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In The

Supreme Court of the United States

October Term, 1974

No. 36, Original

THE STATE OF TEXAS,
Plaintiff,

vs.

THE STATE OF LOUISIANA,
Defendant.

REPORT OF SPECIAL MASTER

ROBERT VAN PELT,
Senior U. S. District Judge,
Lincoln, Nebraska
Special Master

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Lincoln, Nebraska
Special Master

I. INTRODUCTION

The matters heard by your Special Master and covered by this report follow from the opinion of this Court filed March 20, 1973 and reported as *Texas v. Louisiana*, 410 U.S. 702 (1973), and the order of this Court entered October 15, 1973 upon the motion of the State of Louisiana to enlarge reference to the Special Master.

Under the original opinion of this Court there remained for the Special Master to mark the geographic middle of Sabine River, Sabine Lake and Sabine Pass either by survey or other appropriate means. There was also specifically referred to the Special Master the ownership of the islands, if any, in the west half of the Sabine River, Lake and Pass. The United States was to be made a party to this proceeding. This was done and it now makes claim herein to only one island, to-wit, "Sam."

The purport of the motion of the State of Louisiana above mentioned to enlarge reference to the Special Master was to include in this case the establishment of Louisiana's lateral boundary with Texas in the Gulf of Mexico. The Solicitor General supported the Louisiana motion and suggested that the reference should be enlarged to determine all of the lateral boundary of Texas in the Gulf of Mexico. These motions were referred by your order of June 25, 1973 to the Special Master for report. Your Special Master's report thereon was the basis of your October 15th order which in part reads as follows: "The Report of the Special Master on Louisiana's motion to enlarge the reference to the Special Master to include the establishment of Louisiana's lateral boundary with Texas in the Gulf of Mexico, . . . is received, ordered filed and adopted."

Pleadings relating to the lateral boundary were filed

by the States of Louisiana and Texas and by the United States of America.

Each sets forth its separate claim. Texas set forth the method it regarded as proper for the location of its lateral boundary for a distance of three marine leagues in the Gulf of Mexico. Louisiana's lateral boundary in the Gulf extends for only three geographic miles[1] and it set forth its theory for its marking.

The United States asks that the Supreme Court declare the rights of the United States as against the States of Texas and Louisiana in the subsoil, seabed and natural resources underlying the Gulf of Mexico lying east of a line which begins at the midpoint of the closing line across the mouth of the Sabine River and which is stated to be a straight line starting between the southern tips of the Sabine River jetties and extending into the Gulf of Mexico more than three nautical miles from the coast of Louisiana. At the request of the Special Master at the conclusion of the final hearing a map was submitted to and marked by the Special Master as Special Master's Exhibit A. A reproduction of relevant portions of this map are attached to this report as Appendix A. The lateral boundary as claimed by each of the three parties is shown on this map and by the legends which appear thereon.

Originally claims were made by the United States and by the State of Louisiana in their separate pleadings to more than one island in the west half of Sabine River and Lake. By the time of the hearing in May, 1974

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[1] The terms geographical, marine or nautical mile can be used interchangeably and equals 6080.27 feet. The English statute or land mile is 5280 feet. Three nautical miles equal one marine league. The three-mile-limit under international law refers to three geographical miles, which is approximately 3.45 land miles. *See United States v. California*, 381 US 139, 148 (1965).

these claims were reduced to the island "Sam" only. Prior to the May, 1974 hearing, when it appeared that the United States was claiming that the island "Sam" lies within what is now the city of Port Arthur, Texas, the City of Port Arthur was notified and permitted to intervene herein.

Texas makes no claim to the three islands at the north end of Sabine Lake, perhaps because all three were originally selected by Louisiana under the Swamp Lands Grants of 1849 (9 Stat. 352) and 1850 (9 Stat. 519). The State of Louisiana subsequently patented these islands to individuals who now hold title thereto. Texas does claim that if the geographic middle of the Sabine River is located in the channel immediately to the west of Sabine Island, sometimes known as Shell Island, that two of these three islands will lie within the boundary of the State of Texas and that even if the geographic middle of the Sabine is established in the pass as claimed by Louisiana that one of these islands will lie within the State of Texas.

The parties had planned at the time of the New Orleans hearing to make oral arguments after briefs were filed. Thereafter they concluded to waive such argument. The matter now stands submitted for the report of your Special Master.

II. OUTLINE OF THE ISSUES

The issues as submitted and discussed in this report can be better understood if separated into five categories:

a) The determination of the geographic middle of the Sabine River from 32° to 30° north latitude. Roughly this is a line beginning on the north at the point where the thirty-second parallel crosses the Sabine River and continuing generally in a southerly direction to where

the Sabine River enters Sabine Lake. This is approximately the point where the thirtieth parallel crosses the river. Texas and Louisiana are in agreement as to this portion of the boundary, subject to your approval. The United States of America and the City of Port Arthur have no interest in this boundary and in this part of the controversy.

b) The determination of which of three passes is to be used in marking the geographic middle of the Sabine River where it enters Sabine Lake.

c) The location of the geographic middle of Sabine Lake, Sabine Pass, and of the jetties constructed into the Gulf of Mexico in event it is concluded that the jetties form part of the baseline or mark an extension of the Sabine River into the Gulf.

d) Whether or not the island designated historically and by the parties herein as "Sam" was in existence when Louisiana was admitted as a State in 1812; whether it existed at the time of the construction of the Sabine-Neches Canal[2] by the U. S. Corps of Engineers in approximately 1906-08; whether the United States has proven its claimed ownership of such island.

e) The lateral boundary line between the States of Texas and Louisiana, and between the State of Texas and the United States in the Gulf of Mexico and the principles to be applied in determining such lateral boundary line. This is the issue covered by the order of reference of October 15, 1973.

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[2] This canal, or portions thereof, does not bear the same name on all exhibits. It, or portions thereof, is variously designated Port Arthur Canal, Intracoastal Waterway, Sabine-Neches Canal and Sabine-Neches Ship Canal, among others. In this report I will use the term Sabine-Neches Canal.

III. THE BOUNDARY BETWEEN 32° NORTH LATITUDE AND 30° NORTH LATITUDE

Following pretrial discussions with your Special Master and many conferences between representatives of the States of Texas and Louisiana, including attorneys and engineers, the parties have agreed upon a series of twelve maps which have been received in evidence and marked Texas Exhibits AAA 1-12, on which the agreed boundary line between the States of Texas and Louisiana between the two numbered parallels has been clearly marked.[3] The parties are in agreement that it would cost not less than $250,000 to employ surveyors and make a field survey of this boundary line.[4] The parties are in agreement that this is presently unnecessary and will not be necessary in the foreseeable future. They are further in agreement that if in the future difficulties as to the boundary should arise between the two States that it will be possible for competent engineers to take the maps, Texas Exhibits AAA 1-12, and from such exhibits make a determination of the true boundary between the States at any point in dispute. Louisiana requested "that two copies of Texas Exhibits AAA-1 through AAA-12 be certified by the Master and both Texas and Louisiana be directed to deposit a certified copy in their respective Land Departments so that they will be available for reference by the public." (See p. 8, post-trial brief of Louisiana). The parties therefore request, and your Special Master recommends, that this Court accept the twelve maps constituting Texas Exhibit AAA 1-12,[5]

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[3] Concessions were made by each of the two States in order to reach an amicable settlement of the boundary in this area. Your Special Master commends the respective Attorneys General, special counsel and the States themselves for their willingness to negotiate this boundary.

[4] Surveying and marking boundaries on water is more difficult and more expensive than a similar survey on land. Louisiana estimated the cost of a survey at one half million dollars.

[5] Each of the States of Texas and Louisiana are in possession

as marking the geographic middle of the Sabine River and the true and correct boundary between the States of Texas and Louisiana for the area between 32° and 30° north latitude, and that a field survey should not be undertaken at this time. Your Special Master also recommends that copies of Texas Exhibit AAA 1-12 be certified and deposited in accordance with the Louisiana request above set forth.

IV. THE BOUNDARY FROM 30° NORTH LATITUDE INTO THE GULF OF MEXICO

The boundary in the major portion of this area is in dispute. Louisiana Exhibit DDD shows the contentions of Texas and Louisiana, the boundary line as claimed by Texas being printed in blue and designated approximate boundary Texas-Louisiana, and the boundary line as claimed by Louisiana being marked in red. For a considerable portion of the distance the claimed boundary lines, as will be noted by the Court, are quite close together. The chief dispute concerns determination of where the Sabine River flows into Sabine Lake and whether or not west pass, or middle pass or east pass, is to be used in determining the geographic middle of the Sabine River. There is also a boundary problem in connection with the jetties which were built in the Gulf of Mexico by the Corps of Engineers of the United States of America and which will be hereafter separately discussed.

The earliest map of this area is a map prepared by George Gauld in 1777 (See Texas Exhibit W). It is not clear from an examination of this map whether it shows any islands. None are so designated. However, small dots are observable in the lake area. If these represent

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of a copy of this exhibit. It seems proper if ordered by the Supreme Court, that your Special Master certify true and correct copies for each State as requested.

islands then there were numerous small islands throughout the area. This map is not helpful in determining this portion of the boundary. It is mentioned only because it is representative of the industry of all counsel to discover any relevant maps.

The next map of the area chronologically is an 1840 map, two copies of which are in evidence. One is identified as Louisiana Exhibit EEE-1, the other as U. S. Exhibit JJJ. These exhibits both show islands in the area where the Sabine River flows into Sabine Lake. They are also relied upon by the United States in connection with its contentions as to the island "Sam." This 1840 map is based upon a map made in 1837 and upon observations by a Major Graham during the field survey of 1838-39 next mentioned.

It was developed at the original hearing, the record of which was before this Court when your opinion reported as *Texas v. Louisiana, supra*, was filed, and is a part of the evidence of this hearing, that a field survey of this area was undertaken in 1838 by representatives of the United States and of the Republic of Texas following negotiations which began between the United States and Mexico. The survey was completed in 1839. The longhand journal of the Commission containing the surveyor's handwritten notes is in evidence as pages 120 to 164 inclusive, being item 13 of defendant Louisiana's Exhibit A. A printed copy of these notes is in evidence as pages 221 to 238 inclusive of item 14 of Louisiana Exhibit A and as pages 57 to 74 inclusive of Louisiana Exhibt S2.

Certain maps drawn by Major Graham are attached to this report but none, except Louisiana's Exhibit EEE-1, and U. S. Exhibit JJJ-1, both of which were drawn

by Major Graham, cover the area presently being considered in this portion of the Special Master's report.

An examination of these two exhibits shows that in 1840 there were two chief channels where the Sabine River entered Sabine Lake. One is on the east side of the largest island in the area and the other channel is on the west side of that island. This island, as has been noted, is sometimes called Shell Island and other times called Sabine Island. Soundings noted on these exhibits indicate both passes were 24 feet in depth in the area of Sabine Island whereas farther out in the lake in this area the depth was only three or four feet. One pass is named and marked on this 1840 map as the east pass and one is named and marked as the west pass. On later maps the pass marked east pass on the 1840 map is called middle pass and the eastmost pass which is unmarked on the 1840 map is called the east pass. Aerial photographs of the area, in evidence as Louisiana Exhibit X-1 and X-2, show clearly the three islands at the north end of the lake and the channels by which the Sabine flows into the lake. Your Special Master believes these aerial photographs support the recommendation hereafter made as to the pass to be used in determining the State boundary.

While Louisiana claims that the channel on the west side of the third island is the one which should be used in determining the geographic middle of the River, your Special Master is of the opinion that the pass marked east pass on Louisiana Exhibit EEE-1, and marked the middle pass in most of the subsequent exhibits, marks the true geographic middle of the River. This conclusion is borne out by Louisiana Exhibit 05 which was not prepared for the purpose of determining boundaries but is helpful because it shows a change in shape of the islands at the north end of the lake, and that four islands existed at the time of the preparation of Exhibit 05 in-

stead of three as shown by the earlier maps. Louisiana Exhibits X-1 and X-2, being the aerial photos above mentioned, show only three islands. The Special Master concludes that another Louisiana exhibit likewise supports this recommendation. The exhibit is Louisiana EEE which, on pages 4 and 11, contains maps showing townships 12 and 13 in ranges 14 and 15. These maps were drawn in December of 1850 and April of 1851. Both maps, particularly EEE-11, indicate that a greater volume of water went down the east fork although the west fork, as distinguished from the second west fork, did carry a substantial amount of water. It is also apparent from these exhibits that the fork which Louisiana claims should be used in marking the geographic middle of the Sabine did not carry a significant flow of water. It seems to your Special Master that it would be inequitable to locate the geographic middle of the Sabine River in an insignificant channel lying to the west of where the main volume of the Sabine's waters flowed in 1850 and 1851 or now flows as shown by the aerial photographs.

Texas Exhibit F also supports your Special Master's recommendation. For example, page 20 of Exhibit F is a map of Cameron Parish prepared by the Louisiana Highway Commission in 1937. The boundary between Texas and Louisiana is marked on this map as following middle pass as herein recommended. Similarly, page 29 of Exhibit F, being a map prepared in 1964 by the Louisiana Department of Highways in cooperation with the United States Department of Commerce, shows the state boundary following middle pass. In evidence are maps prepared by the State of Texas showing middle pass as the boundary (See Exhibit F, p. 32 and Exhibit F, pp. 78, 79). Exhibit F contains at page 36 a map prepared by the U. S. Corps of Engineers in 1956. It likewise indicates the boundary as being middle pass. Another

map introduced by Louisiana also supports this recommendation. It is page 20 of Louisiana Exhibit K. This map was prepared by the U. S. Corps of Engineers in 1910 in connection with the survey for the location of the Sabine-Neches Canal. It is observable from this exhibit that the pass which Louisiana contends should be used in determining the geographic middle of the river was narrow and carried but little of the flow of the river.

While no recommendation can be made which finds support in all of the maps of the area which have been introduced in evidence, and while the purpose of many of the maps was not to locate State boundaries, your Special Master believes, taking the map exhibits and the photograph exhibits as a whole, that they clearly establish that the pass more recently known as middle pass is the pass which should be used in determining the geographic middle of the Sabine River as it flows into Sabine Lake. It is interesting to note that this pass was used by the U. S. Geological Survey in the base map which constitutes Louisiana Exhibit DDD.

This finding and recommendation does not completely solve the problem of marking the boundary. Louisiana offered in evidence its Exhibit DDD and indicated in red thereon a line which it believes represents the geographic middle of the Sabine River south from 30° north latitude, through the Lake, Pass, and to the terminus of the jetties in the Gulf. Louisiana has also offered in evidence its Exhibit III and indicates thereon the same line in red shown upon Exhibit DDD. Louisiana has also marked on Exhibit III in green a line which Louisiana believes represents Texas' contention as to the true boundary through the Lake. Texas in its post-trial brief filed with the Special Master says on page 4 thereof, after referring to the numerous maps introduced by the State of Louisiana "The remainder of the Lake bound-

ary is properly shown in Louisiana Exhibit 'III'." This is followed with a paragraph entitled "Sabine Pass" reading

> "The boundary has been agreed upon in Sabine Pass, as evidenced by Louisiana Exhibit 'III' properly depicting the boundary in Sabine Pass."

The problem with this quote regarding the Lake boundary is whether Texas is agreeing to the line marked in red by Louisiana, which Texas does agree, as above noted, is the correct line through the Pass, or whether Texas is claiming the green line as the correct boundary in the Lake.

The two lines are very close together. In some places the red line is even to the advantage of Texas. The red line represents a more accurate measurement in that it contains various stations marked by degrees of longitude and latitude from its beginning through the Lake, the Pass and to the terminus of the jetties. For this reason, except at the uppermost portion of the Lake, your Special Master concludes to recommend the line marked in red upon Exhibits DDD and III as marking the true boundary between the States of Texas and Louisiana.

The line marked in red in the area of the passes at the north end of the Lake is based upon the use of the west-most pass. Since your Special Master has rejected Louisiana's contention as to the pass to be used and recommends use of the middle pass there is a portion of this red line which cannot be used.

Your Special Master's conclusions are that the line marked in red on Louisiana Exhibits DDD and III be used as the lateral boundary beginning at the upper portion of each Exhibit at point 30° 00′ 00.000″ 93° 46′ 07.952″, which is the southmost point of the agreed boundary shown on Texas Exhibits AAA 1-12. I conclude that the line shown in red upon Exhibits DDD and

III beginning at the point last mentioned continuing to point marked 29° 59′ 34.754″ 93° 46′ 57.677″ should be followed as marking the geographic middle of the Sabine River between said points. From this point last mentioned it appears that the line marked in blue on Louisiana Exhibits DDD and III and designated "Texas Louisiana Approximate Boundary Orange Co. Cameron Parish" correctly marks the boundary line through the middle pass to the northmost point of the green line shown on Louisiana III and following the green line to where it joins the Louisiana red line at the point marked 29° 58′ 31.135″ 93° 47′ 58.608″. From there on to the point at the terminus of the jetties marked X=1,205,205 Y=379,935, 29° 41′ 15.323″ 93° 50′ 11.722″ the line marked in red should be adopted as correctly marking the geographic middle of the Lake, Pass and jetties and the boundary line of the States of Texas and Louisiana between the two described points. I recommend that the right be afforded the States of Texas and Louisiana to adjust said boundary in Sabine Lake by agreement as they have done from 32° north latitude to 30° north latitude if agreement can be reached prior to any hearing on this recommendation in this report or within such time as this Court may deem proper.

IV(a) THE JETTIES

In the last paragraph, and elsewhere, reference has been made to the jetties which exist in the Gulf of Mexico and are shown on all of the maps of this portion of the Gulf drawn in the last eighty years. Their construction began in the 1880's. They were constructed by the U. S. Corps of Engineers. The purpose of the jetties was to provide an adequate ship canal to the Sabine Pass for the benefit of such cities as Port Arthur, Beaumont, and others. The jetties were extended from time to time as congressional appropriations became available. They

were completed to their present terminus in approximately 1936. These two jetties are each approximately 3.1 miles in length. The jetties extend from 29° 41′ 15.223″ latitude, 93° 50′ 11.722″ longitude (midpoint of Sabine, natural mouth) to a position in the Gulf at 29° 38′ 37.329″ latitude, 93° 49′ 30.940″ longitude, which is the midpoint of the jetties in the Gulf at terminus.

They are hereafter referred to in connection with the recommendations as to the lateral boundary in the Gulf of Mexico.

On most of the maps introduced in evidence by both States the geographic middle of the jetties is designated as the boundary line between the States of Texas and Louisiana. There is considerable evidence that these two States have recognized the geographic middle of the jetties as their boundary in the enforcement of fish and wildlife laws. There are some exceptions to this but your Special Master concludes without setting forth the affidavits in detail that the conclusion is justified that both States, since the jetties' construction began, have recognized the geographic middle of the channel between the two jetties as being the boundary line between the two States. Your Special Master concludes, under the law of prescription and acquiescence[6] that this boundary has been sufficiently recognized by each State, whereby the boundary between the States of Louisiana and Texas should be determined to be the geographic middle of the two jetties as they extend into the Gulf of Mexico as that geographic middle has been determined and marked upon Louisiana Exhibit DDD. This line bears the legend "Approximate Boundary Louisiana-Texas Jetty Channel."

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[6] For a discussion of the law of prescription and acquiescence see Original Report of Special Master beginning on page 27.

This conclusion does not rest solely upon the law of prescription and acquiescence. Under Article 8 of the Geneva Convention discussed in detail infra, jetties are a part of the coast. It follows that a median line equidistant from each jetty is the geographic middle of the jetties. Both Texas and Louisiana now seem to agree that the median line principle applies in Sabine Lake and in Sabine Pass. To your Special Master it follows logically that the median line principle should be applied to the jetties.

There is evidence and testimony from which it could be found that the jetties extend the river and that the mouth of the river is now actually at the gulfward terminus of the jetties (See testimony of Dr. Robert D. Hodgson, transcript at 524, 529-531.[7] See also U. S. Exhibit NNN, Texas Exhibit FFF). The geographic middle of the river is therefore the middle of the jetties.

Your Special Master recommends that the line marked on Louisiana Exhibit DDD and above described be determined by the Court to be the geographic middle of the two jetties and the boundary line between the States of Texas and Louisiana to the terminus of the jetties in the Gulf of Mexico.

IV(b) ISLAND "SAM"

The opinion of this Court on March 20, 1973, *supra*, discussed the recommendation of the Special Master as to the ownership of the islands in the west half of the Sabine River. The Court approved the recommendation as to the ownership of the islands in the east half of the

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[7] Dr. Robert D. Hodgson is the geographer to the Department of State, Director at the Office of the Geographer in the Bureau of Intelligence and Research, and author of numerous articles on political geography. See transcript pp. 513-518.

Sabine, holding that all such islands belong to the State of Louisiana. It was the opinion of the Court, as your Special Master reads it, that the United States of America may have a claim to the islands, if any, in the west half of the Sabine, and for that reason it ordered that the United States should be made a party to this proceeding and afforded the opportunity to present any claims. While in the first pleadings filed by the United States herein it appeared to make claim to the islands formed by the forks of the Sabine as it entered Sabine Lake lying west of middle pass and to Dooms or John's Island and to three islands in the area of Taylor's Bayou, by the time of trial and now the United States claims only the island designated "Sam." It lies north or northeasterly of Taylor's Bayou, which is a point of reference on the west side of Sabine Lake and marked as such on all maps except the 1777 map. As to the three islands at the north end of the lake, some of which are west of the geographic middle of the Sabine River, the United States now makes no claim, perhaps because it relinquished title to these islands to the State of Louisiana under the Swamp Lands Act (See Louisiana Exhibit EEE).

The location of "Sam" is probably best shown upon U. S. Exhibit DDD.[8] The United States estimates that it contains 59,000 square feet, which is slightly more than one and a third acres. Island "Sam", as located by the United States witnesses, is a part of Pleasure Island which in turn, at the claimed location, is a part of the City of Port Arthur, Texas.

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[8] The United States in its Exhibit YYY (See Appendix ii) sets forth three different measured positions and three different adjusted positions depending upon which of four maps is used for island "Sam." The differences in measurement are in seconds but point up the difficulty of precisely locating Island "Sam."

Some witnesses have indicated that the Sabine-Neches Canal was constructed through the point estimated by the government to be the location of the Island "Sam." The Special Master in the appendix attached to his first report at page 104 discussed the evidence introduced at the first hearing relative to Pleasure Island. Reference is made to that report and it will not be repeated here. It is a valuable adjunct to the City of Port Arthur and for the most part has been built up and developed during the past half century.

Before discussing the evidence relating to Island "Sam", which it is believed received its name because it was a control or reference point used in an 1886 survey of the area, certain preliminary observations should be made.

If the Special Master was right in his original report that all islands in the Sabine River were granted to the State of Louisiana by the United States when Louisiana was admitted to statehood, then the United States has no claim to Island "Sam" and the Court needs only to resolve the conflict between Texas and Louisiana as to the island. Louisiana claims that it, and not the United States, owns this island. As your Special Master pointed out in the original report, as between Texas and Louisiana it is possible for one state to have obtained title by acquiescence and prescription to lands claimed or originally owned by the other state. While Louisiana received a patent from the United States to the three islands in the north part of the lake, including Sabine Island, and later patented or deeded these islands to private parties, there is no evidence that Louisiana ever made any claim to or exercised control over any of the three islands in the Taylor Bayou area, including Island "Sam." Texas at all times has claimed these islands. Hence, if the Court concludes, as your Special Master

concluded in his original report, that all islands in the Sabine existing in 1812 were conveyed by the United States as a part of statehood to Louisiana, then further discussion as to the ownership of Island "Sam" is unnecessary. By application of the doctrine of acquiescence and prescription, as between the States of Texas and Louisiana, Island "Sam" belongs to Texas.

The Special Master will proceed, however, to discuss the claim of the United States to Island "Sam." It is elementary that the burden of proof is upon the United States to show by a preponderance of the evidence that such an island existed at the time of the construction of the Sabine-Neches Canal and the construction of Pleasure Island, and to show its size and location.

By way of background, another fact must be recognized, namely, that many islands have existed in Sabine Lake and later disappeared. An example is an island known as Dooms Island or John's Island (See Louisiana Exhibit III, Texas Exhibit BBB-1 or U. S. Exhibit FFF). It has been known by both names and so designated by the map makers. At the hearing, on which your Special Master's original report was based, Louisiana was making claim to it. There was a dispute between the parties as to whether the island still existed. Both States are now in agreement that it has disappeared. There is in evidence a record of many memorable hurricanes which have struck the Gulf coast since 1873 (See U.S. Exhibit LLL). It is a fair deduction that torrential rains and hurricanes have each played a part in causing some islands to completely disappear.

It is clear that an island known as "Sam" did exist at one time. The 1840 map above mentioned and the original surveyor's notes show that there were three islands in the area of Taylor's Bayou. Two were approximately at the mouth of the Bayou and a third, which

the United States says is "Sam", was located to the north or northeast of Taylor's Bayou approximately one mile. By 1885 the middle island of these three had disappeared (See U. S. Exhibit EEE). It is the claim of Texas that in the early 1900's "Sam" (and perhaps the other island in the Taylor's Bayou area) was destroyed by the dredging operation of the U. S. Corps of Engineers when dredging the Sabine-Neches Canal and that by destroying the island the United States has abandoned any claim thereto. It should be here pointed out that a large part of Pleasure Island was created by piling up on the east side of the channel the sand dredged from the lake in the creation of the Sabine-Neches Canal.

As indicated above, the earliest maps show an island in this general area. Its size is difficult to measure. Joseph T. Long, whose affidavit is in evidence (U. S. Exhibit YYY), and whose deposition is in evidence as U. S. Exhibit XXXX, testified to a square footage of 59,000 qualifying the size to say that it could vary "plus or minus ten percent probably." Long is the witness who attempted for the United States to translate the location of this island "Sam" from the earlier maps to the present map of the City of Port Arthur. He says that none of the exhibits used by him for this purpose were drawn for the purposes of land location and definition and that the maps were prepared on a scale of one inch on the map representing sixty thousand inches on the ground; that from an engineer's standpoint that sort of a scale is not considered "acceptable accuracy for purposes of defining land for title and ownership"; that a civil engineer would not rely on such a map as U. S. Exhibit HHH to locate a tract of land. See U. S. Exhibit XXXX at p. 50-51.

"Sam" was not shown upon Texas Exhibit RRR,

which was a U. S. Coast and Geodetic Survey map. From that fact Texas and Port Arthur argue that the island had disappeared before 1910 and the construction of the canal by the U. S. Corps of Engineers. The United States offered, over objection, additional evidence to explain the absence of Island "Sam" on some of these maps which were in evidence. The gist of this evidence is that "Sam" was shown on maps prior and subsequent to Texas Exhibit RRR and that it was left off of Texas Exhibit RRR by mistake or inadvertence. It is quite likely that this is correct. It also seems true that most of these early 1900 maps were based upon the 1885 map made by the United States Coast and Geodetic Survey and reflected the area as of 1885 and do not truly reflect the area in the early 1900's.

This becomes particularly important in view of the testimony by affidavit of Tom Ellis, Texas Exhibit JJJ; Carlyle J. Plummer, Texas Exhibit KKK; Carroll Holt, Port Arthur Exhibit CCC, and in the light of Port Arthur Exhibit AAA, pp. 1 and 2. Mr. Ellis has lived in Port Arthur since 1895, at which time he was ten years of age. He tells of fishing in the area and is certain that there was no island such as "Sam" between 1895 and 1910. Carlyle J. Plummer was born in 1895; his father was a harbor pilot and he went with him along the west part of the lake on many occasions prior to the 1909 dredging of the Sabine-Neches Canal. He says he never saw such an island as "Sam" and if it had existed he would have seen it. Carroll Holt was born in 1877 and came to Port Arthur in 1893; he served in the Spanish-American War; was residing on Lakeshore Drive at the time of the construction of the Sabine-Neches Canal. He worked on Pleasure Island in the amusement business a part of the time and fished and boated frequently along the whole western shore of the lake and says there was no island along the west shore prior to the construc-

tion of the canal until Pleasure Island was created by dredging.

Your Special master concludes and reports that an island named "Sam" did at one time exist; that its location was approximately as is claimed by the United States; that its size was not definitely known; that no maps have been introduced in evidence from which an accurate configuration of the island could be made. Your Special Master concludes, and so reports, that the Island "Sam" did not exist at the time of the dredging of the Sabine-Neches Canal and further concludes if it did then exist that it was destroyed by the action of the U. S. Corps of Engineers. Your Special Master concludes that the United States has not shown by a preponderance of the evidence the existence of Island "Sam" or its size with sufficient certainty to award to the United States the portion of the City of Port Arthur, Texas, which it claims as "Sam." Your Special Master recommends that the claim of the United States to any island in the west half of Sabine Lake be denied.

V. THE LATERAL BOUNDARY IN THE GULF BETWEEN TEXAS AND LOUISIANA

Fixing the lateral boundary in the Gulf between Texas and Louisiana will result in fixing the boundary between the United States and Texas since the same principles are applicable to both controversies.

As a background for this discussion, certain matters should be mentioned and their effect discussed.

The first question to be determined is whether or not the Geneva Convention on Territorial Sea and Continuous Zone applies to this boundary. The so-called Geneva Convention done at Geneva April 29, 1958, and thereafter ratified by the United States and effective as of September 10, 1964 is in evidence as U. S. Exhibit

000. Particularly applicable to this case are Articles 12 and 8:

Article 12

1. Where the coasts of two States are opposite or adjacent to each other, neither of the two States is entitled, failing agreement between them to the contrary, to extend its territorial sea beyond the median line every point of which is equidistant from the nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured. The provisions of this paragraph shall not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance with this provision.

2. The line of delimitation between the territorial seas of two States lying opposite to each other or adjacent to each other shall be marked on large-scale charts officially recognized by the coastal States.

Article 8

For the purpose of delimiting the territorial sea, the outermost permanent harbour works which form an integral part of the harbour system shall be regarded as forming part of the coast.
15 U.S.T. (pt. 2) 1607, T.I.A.S. No. 5639

It is the position of the United States that the Geneva Convention applies to this dispute. It is the position of the State of Texas that the dispute is purely a domestic matter and that at most international law is useful only as an analogy. This Court has stated on at least three occasions "principles of international law . . . apply also to boundaries between States constituting this country." *Wisconsin v. Michigan*, 295 U.S. 455, 461 (1934); *also, New Jersey v. Delaware*, 291 U.S. 361, 378 (1934); *Louisiana v. Mississippi*, 202 U.S. 1, 49 (1906). In *United*

States v. California (sometimes called the first California case), 332 U.S. 19 (1947), the Court held that the United States as against California possessed paramount rights in the land beneath the Pacific Ocean seaward of the low-water mark and outside of inland waters. This holding was applied to Louisiana in *United States v. Louisiana*, 339 U.S. 699 (1949) and in the same case to Texas (see 339 U.S. 707).

Thereafter, Congress passed the Submerged Lands Act, 67 Stat. 29, 43 U.S.C. §§ 1301-1315, on May 22, 1953. The act was sustained as constitutional, *Alabama v. Texas*, 347 U.S. 272 (1953).

The Submerged Lands Act was interpreted in *United States v. Louisiana, et al.* 363 U.S. 1 (1960). Texas was held to be entitled to a grant of three marine leagues from her historic coast for domestic purposes, while Louisiana was held to have a three geographic mile boundary.

It is of note that nothing is said in *United States v. Louisiana, supra*, about lateral boundaries between States. In fact, in all of the cases dealing with the Submerged Lands Act before this Court prior to this dispute, nothing is decided about lateral boundaries between the States. The Act has been described as a quitclaim grant from the United States to the coastal states. The purpose of the grant was to give to the states limited rights to the seabed. The Act did not deal with any of the boundaries of the respective coastal states vis-a-vis adjoining coastal states. The Act provided every coastal state with a three geographic mile strip of seabed, and further provided for a three league strip of seabed if the state could prove (1) an historic boundary of that distance and (2) approval by the Congress when the state was admitted into the Union.[9] Only the Gulf

[9] See § 2 of Submerged Lands Act, 43 U.S.C. § 1301 and § 4,

Coast boundaries of Texas and Florida were held to qualify for the three league boundary. The litigation prior to this case has focused almost entirely on the definition of the coastline from which the three mile or three league distance is to be measured. Thus, only the seaward reach or width of the grants has been litigated in the prior cases. The lateral division of the grants was not litigated. Crucial to the disposition of the instant dispute, however, is the determination of the coastline to be employed in the construction of the lateral boundary between Texas and Louisiana. Texas argues that the jetties, which would be considered part of the coastline under Article 8 of the Geneva Convention, should not be considered as part of the coastline for the purpose of fixing the lateral boundary. The United States and Louisiana argue the contrary view.

In *United States v. California*, 381 U.S. 139 (1964), sometimes called the second California case, this Court further interpreted the Submerged Lands Act. Following the first California case, a Special Master was appointed by this Court to determine for specific coastal segments the line of ordinary low water and the outer limit of inland waters. The report was filed in 1952 but lay dormant until 1963, probably because of the passage of the Submerged Lands Act in 1953. In 1963 the United States revived the report. The United States argued that the Submerged Lands Act simply moved the grant out three miles from the line established by the 1947 decree. California argued that the grant included, and was to be measured from, what the states historically considered to be "inland waters" at the time they were admitted as States.

While the Act defined "coastline" it did so in terms of the seaward limit of "inland waters." The Act no-

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43 U.S.C. § 1312, as interpreted in *United States v. Louisiana*, 363 U.S. 1, 25-30 (1960).

where defined "inland waters." It thus became the responsibility of this Court to define "inland waters." It did so, holding that the term "inland waters" as used in the Submerged Lands Act would conform to the definition of that term as used in the Geneva Convention. See 381 U.S. 139, 161-167.

Again, it is to be noted that nothing was decided in the second California case about state lateral boundaries.

In 1967 in *United States v. Louisiana, et al.*, 389 U.S. 155 (1967), Texas made the claim that its coastline extended to the seaward edge of the jetties in the Gulf of Mexico discussed above, and that consequently it owned the submerged lands more than three leagues from its natural shore line. In making this claim Texas attempted to apply the Geneva Convention. This Court held that the Texas claim under the three-league grant must be measured by the historic boundary of § 2(a) of the Submerged Lands Act, which existed in 1845 when Texas entered the Union, and that such a boundary could not be measured from artificial jetties built long thereafter. It should be here noted that the issue of what constituted the coastline from which the three-league grant was to be measured was specifically reserved in *United States v. Louisiana*, 363 U.S. 1, the 1960 case. In the 1967 *Louisiana* case the Court stated: "Texas now claims that, for purposes of the 3-league grant, its coastline extends to the seaward edge of artificial jetties constructed by it in the Gulf of Mexico. . . ."[10] The Court framed the issues as follows: ". . . whether Congress intended that this grant, based as it is on the historical boundaries of the State, be measured

[10] The facts as to jetty construction brought out at the New Orleans hearing in this case are to the contrary of this quoted statement. The United States Corps of Engineers, not Texas, built the jetties.

from artificial jetties constructed many years after the State's entry into the Union." Texas relied on the second California case, 381 U.S. 139 (1965), as support for its use of the jetties. In that case the Court determined that for the three mile tract granted to every State by § 4 of the Submerged Lands Act, 43 U.S.C. § 1312, the Convention on the Territorial Sea and Contiguous Zone would be used to define the term "coastline." *See, United States v. California*, 381 U.S. 139, 165. The Court declined to use the jetties in determining the width of the Texas historic grant because, under Section 2(a) of the Submerged Lands Act, Congress had designated the boundary of the Gulf State ". . . as it existed at the time such State became a member of the Union. . . ." The Court held since Texas obtained a three league grant under § 2(a) that it could not use the jetties to expand the grant beyond three leagues from the historic coast. The Court states:

> ". . . what Congress has done is to take into consideration the special historical situation of a few Gulf States and provide that where they can prove ownership to submerged lands in excess of 3 miles at the time they entered the Union, these historical lands will be granted to them up to a limitation of 3 marine leagues. No new State boundary is being created, but a State which qualifies is simply being given the same area it had when it entered the Union."
>
> * * *
>
> "The three-mile grant involved in the second *California* case is not keyed to the State's boundary as of any particular date, but the three-league grant is keyed to a State's boundary as of the date it entered the Union." 389 U.S. 155, 159.

It later concluded:

> "[N]o definitions are required by this Court and there is no need to resort to international law; Texas has simply been given that amount of submerged land it owned when it entered the Union." 389 U.S. 155, 160.

The Court went on to say:

> "This is a domestic dispute which must be governed by the congressional grant. There is no reason why an international treaty should be applied when it simply works to take away land from the United States in order to give to Texas more land than it ever claimed historically." 389 U.S. 155, 161.

Recently, in 1969, in *United States v. Louisiana*, 394 U.S. 1, a case sometimes known as the Texas boundary case, the Court gave further consideration to the Texas claim. The United States and Texas had agreed on the 1845 coastline by stipulation, (footnote 2 of opinion). However, since 1845, the coastline had undergone substantial changes due to erosion and accretion. A dispute arose between the United States and Texas because of the Submerged Lands Act express limitation in § 2(b) that in no event shall the boundaries of the grant of submerged lands "be interpreted as extending from the *coastline* . . . more than 3 marine leagues into the Gulf of Mexico." Texas argued that this limitation should be read as referring to the 1845 coastline. The United States argued the limitation referred to the presently existing coastline or as that coastline exists in the future, as contemplated by the Convention on the Territorial Sea and Contiguous Zone. The Court agreed with the United States that the limitation of § 2(b) was to be read as measuring from a current coastline as defined by the Convention. The Special Master will not reproduce at length any portion of the opinion authored by Mr. Justice Brennan, but concludes from the opinion that under Section 2(b) of the Submerged Lands Act the Texas three league grant is measured by the Convention rules using modern, ambulatory coastlines. It should be noted that the Court again emphasized its reliance upon the Convention for the definition of terms used in the Submerged Lands Act. It thus appears that Texas by

reason of its historical boundary is entitled to a grant of a three marine league tract as measured from its 1845-1849 stipulated coastline, but in any event that the grant cannot be greater than three marine leagues from the modern, ambulatory coastline determined under the rules of the Geneva Convention.

Louisiana measures its three mile tract from the Convention coastline, which includes the east jetty. *United States v. Louisiana*, 394 U.S. 11 (1969).

Your Special Master points out that the Geneva Convention will determine any future changes that might limit the Texas grant under § 2(b). Thus, for both Texas and Louisiana the Convention is applicable to any future limitation of their grants.

Your Special Master concludes, and so reports, that the Geneva Convention should be applied in the determination of this lateral boundary dispute. Article 12 was specifically drafted to provide the most equitable means of determining a lateral boundary. The prior case law indicates the Convention coastline applies to Texas and Louisiana. To employ an historic coastline to settle a modern boundary dispute is not in accord with the evidence introduced which indicates that the most modern, up-to-the-minute maps are the first choice of political geographers and cartographers (See U. S. Exhibits QQQ, SSS, TTT and testimony of Dr. Robert D. Hodgson at pages 559-569 of transcript.).

The administration of two coastlines for different purposes is not practical nor desirable. In the second California case, referred to above, this Court was faced with the possibility of employing a coastline other than the Convention coastline. The Court emphasized that the Convention coastline is used by the United States in its international relations, and ruled against a different coastline for Submerged Lands Act purposes. The

same rationale applies here. Texas and Louisiana have modern, ambulatory, Convention coastlines for important Submerged Lands Act purposes. To introduce an historic coastline for these two states for lateral boundary purposes would not be practical. *See United States v. California*, 381 U.S. 139, 165 (1964).

Applying the Convention also takes into account the jetties as part of the coastline. There is evidence (see Louisiana Exhibit VVV, Louisiana Exhibit WWW-1 thru -10, and evidence on prescription and acquiescence) that the jetties are considered landmarks relied upon by the public and by some state officials as marking the lateral boundary. The use of Article 12 also produces an equitable result in your Special Master's opinion, while the lines suggested by Texas and Louisiana do not produce an equitable result.

Your Special Master believes the position of the United States to be the most equitable and recommends that the line marked as "United States" on the exhibit requested by your Special Master, attached as Appendix A, be adopted as the lateral boundary of Texas and Louisiana and of Texas and the United States. This line is the result of an application of Article 12 of the Geneva Convention to the unique facts of this case.

Under Article 8 the "outermost permanent harbour works" in this case are the jetties at the entrance of the Sabine River into the Gulf of Mexico. These jetties, under Article 8, "shall be regarded as forming part of the coast." *See also, United States v. Louisiana, et al.* 394 U.S. 11 (1969). Thus, the coastline of Texas and Louisiana are opposite and adjacent within the meaning of Article 12.

Applying Article 12, the "nearest points on the baselines from which the breadth of the territorial seas of each of the two States is measured" are the gulfward

tips of the jetties. A median line is then constructed using these points. A median line is a line on which every point is equidistant from these nearest points on the baseline, i.e., the jetties.

The proper procedure for the construction of a median line is contained in Shalowitz, *Shore and Sea Boundaries* (1962), pp. 234-235. The United States and Texas are in agreement that the median line principle is to be applied. Louisiana does not agree. The debate focuses on the baseline points to be used in the construction of a median line. Given a set of baseline points, one and only one true median line can be constructed. The median lines proposed by the United States and Texas differ only in the choice of baseline.

As pointed out in the testimony of Dr. Hodgson, p. 548 Transcript, the baseline in general is determined by the low water mark as represented on recognized charts of the coastal state, but the Convention also provides for the baseline to include river closing lines, bay closing lines, permanent harbor works, and other points such as low tidal elevations within the territorial sea. Under the Convention the natural shoreline is not used to construct an equidistant lateral boundary. Rather, a "baseline" which includes such structures as the jetties, is employed to define the areas of each state so that a lateral boundary can be constructed between them. U. S. Exhibit MMM shows approximate representations of lateral boundaries drawn from a natural shoreline (red line) and from a Convention baseline (dark blue line extended from the jetties). The second California case held that the "coastline" of the Submerged Lands Act and the "baseline" of the Geneva Convention is the same line. *United States v. California*, 381 U. S. 139, 164-165 (1965).

The use of both jetties is required by Article 8 and

the Convention's definition of baseline. Louisiana's coastline includes the east jetty for Submerged Lands Act purposes. The Texas Submerged Lands Act limitation under § 2(b) is measured from a Convention coastline. The inclusion of either the east or the west jetty without its counterpart as part of the coastline, and hence part of the baseline, would create an inequitable division of the off-shore area granted to the States. The line marked "United States" on the Special Master's exhibit complies with Article 12 and is recommended as the proper lateral boundary.

Your Special Master was hopeful when the report of Judge Albert B. Maris in *United States v. Florida*, No. 52 Original (U. S. Exhibit BBBB), was first called to his attention that it would be found controlling on the issue now being discussed. Judge Maris is regarded by your Special Master as one of the ablest of our federal judges. The issue was before Judge Maris. He held that the jetties formed a part of the coast. This finding, however, was a result of an agreement by the two parties involved, to-wit, the United States and Florida. Thus, the case has no controlling effect in my recommendations or in your determinations. The fact, however, that this principle was agreed to by the United States and Florida and approved by Judge Maris does give support to the recommendation herein contained that justice and equity will be best served by using these jetties as a part of the coastline in making the determination and in applying the Shalowitz principles.

VI. LATERAL BOUNDARIES PROPOSED BY TEXAS AND LOUISIANA IN THE GULF OF MEXICO

At the request of your Special Master,[11] an exhibit was prepared showing the contentions of the parties re-

[11] Transcript at 753-754, 930-935. "And I will consider that it

garding the lateral boundary, and it is attached to this report as Appendix A in reduced form. The original full sized exhibit is available for inspection with the other exhibits introduced by the parties. The Special Master's exhibit depicting the various lines is constructed upon a composite of three separate maps that have been put together to reflect more than seventy miles of shoreline on each side of the jetties. Thus, the overall relationship of the various lines to one another and to the coastline is shown. The reduction, Appendix A, does not reflect the coastline on each side of the jetties sufficiently, but clearly does show the relationship of each of the proposed lines to the other lines.

It is the belief and recommendation of the Special Master that the line marked "United States" should be adopted as the lateral boundary between Texas and Louisiana and between Texas and the United States. The reasoning in support of such recommendation has been set forth. An analysis of the other proposed boundary lines is in order.

VI(a) THE LOUISIANA CONTENTIONS

Louisiana's primary contention is a line extending true south from the midpoint of the closing line of the jetties into the Gulf of Mexico three geographic miles. This is Louisiana's "statutory line." (See Louisiana Exhibit DDD, depicting this statutory line standing alone.) Louisiana Exhibit AAA-2, Act. No. 32 of the 1954 Regular Session of the Louisiana Legislature contains the specific language describing this boundary line. Louisiana Exhibit AAA-3, Act. No. 33 of the 1954 Regular Session of the Louisiana Legislature, attempted to set the Louisiana gulfward boundary at three marine leagues from

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is a part of the evidence that everybody can examine, including the people to whom I report." p. 933.

the Louisiana coast, and attempted to define the Louisiana coast. In *United States v. Louisiana*, 363 U.S. 1 (1960), this Court held that Louisiana's gulfward boundary was not three marine leagues but rather three geographic miles and furthermore in the *Louisiana Boundary* case, 394 U.S. 11 (1969), this Court held that Louisiana's coast is defined by the Geneva Convention. Art. 33 is of interest due to the limitation found in § 2 where it is stated that the designation of the coastal parishes on the plat map shall not be taken or construed as intending to affect the common maritime boundary between Louisiana and the States of Mississippi and Texas.

A statutory enactment by a state which attempts to fix a boundary is not binding upon its neighbors. This is recognized by the very language of the Louisiana statute. In regard to the width of the off-shore grant, the Submerged Lands Act was drafted to exclude the possibility that a state might be able to establish a present boundary claim based on extravagant unilateral extensions. *United States v. Louisiana*, 363 U.S. 1, 27 (1960). The same principle must apply to any attempt to fix a lateral boundary by an act of a state legislature.

Louisiana's statutory line must also be rejected because it is not a "median line" as required by Article 12 of the Geneva Convention. Geographically the Louisiana statutory line is closer to the Texas coastline than to the Louisiana coastline and is not therefore a median line.

Louisiana's first alternative position is a line extending true south from the 1845 west bank land boundary (See Special Master's Exhibit; Louisiana Exhibit KKK). Louisiana argues that such a line runs parallel with the meridian at 93° 50′ and that extending a state land boundary that approximates a meridian or parallel is an

acceptable manner of constructing a lateral boundary. Under the Convention, however, this first alternative position must be rejected as it is not a median line. This method of boundary construction was not employed in Art. 12 by the drafters of the Geneva Convention.

Since this Court has already approved the Special Master's recommendation that the boundary line is the geographic middle of the Sabine River, it is clear that any extension from any point other than the geographic middle of the Sabine would not be appropriate.

Louisiana's second alternative is a line drawn down the geographic middle of the Sabine from a point at the head of the jetties to the midpoint at the closing line at the gulfward terminus of the jetties which is then extended south 12° 30′ 002.2″ east (south 13° 44′ 45.8″ E true). [See Special Master's Exhibit; Louisiana Exhibit 000.] This proposed boundary follows Louisiana's conception of the general trend of the coast in which this trend of the coast is used at the baseline in constructing the boundary. The trend of the coast theory was rejected by the Geneva Convention draftsmen in 1958 as too subjective a method of constructing boundaries, and it must be rejected in this case. There are many possible trends to a coastline depending on the surveyor. This line does closely approximate the line marked "U.S." However, it is the methodology of the trend of the coast theory of boundary construction that is not trustworthy rather than any particular result.

In constructing the boundary in Sabine Lake, Louisiana adopted and employed the median line concept, and recognized the median line as doing equity in Sabine Lake. However, Louisiana appears to argue that the proposed lines that extend due south into the Gulf, while not median lines, do equity there because Louisiana is somehow entitled to areas "beneath" the Louisi-

ana coast. This is circular reasoning, since "beneath" the coast assumes a due south line is proper. None of the theories set forth by Louisiana comply with Article 12 of the Geneva Convention. Your Special Master recommends that the Louisiana proposed boundaries be rejected.

VI(b) THE TEXAS CONTENTION

Texas urges that the proper lateral boundary is the median line constructed upon the basis of the shorelines and geographic middle of the natural mouth of the Sabine River as they existed in 1845-1848. (See Special Master's Exhibit; Texas Exhibit DDD.). The Texas 1845-1849 shoreline and three league grant are delimited in *United States v. Louisiana, et al*, (Texas Boundary Case), 394 U.S. 1 (1969) and Supplemental Decree, 394 U.S. 836 (1969). Texas argues that the Congressional Resolution annexing Texas recognized that Texas had both a lateral and an offshore boundary, that the lateral boundary was established and that neither the jetties nor the Geneva Convention can affect an already existing lateral boundary.

VII. HISTORIC TITLE

Assuming that Article 12 applies, we need to consider the argument made by Texas in light of the second sentence of Article 12:

> "The provisions of this paragraph shall not apply, however, where it is necessary by reason of historic title or other special circumstances to delimit the territorial seas of the two States in a way which is at variance with this provision."

The Texas argument is based upon its claimed "historical title." We shall hereafter consider "other special circumstances" which support the argument of the United States and Louisiana. It is the contention of

Texas that its lateral boundary in the Gulf of Mexico was established by the 1836 Act of the Republic of Texas, 1 Laws, Republic of Texas, 133, as modified by the Act of Congress admitting Texas into the Union in 1845,[12] 5 Stat. 797, and the 1848 Congressional Act, 9 Stat. 245, extending the Texas eastern boundary to include one-half of the Sabine. It should be noted here that the east boundary of Texas in 1836 was the west bank of the Sabine. Texas had no claim to the west half of the Sabine until the 1848 Act of Congress. These are matters which were considered by your Special Master in his first report and this Court has affirmed his conclusion that the geographic middle of the Sabine marks the boundary between the States of Texas and Louisiana. The Court concluded that it did not have to pass upon matters of prescription and acquiescence although your Special Master believed, and reported, that applying the law of prescription and acquiescence the geographic middle was the boundary between the two States.

The issue is whether the claimed statutory language actually describes a lateral maritime boundary. The 1836 Act provides: ". . . beginning at the mouth of the Sabine River and running west along the Gulf of Mexico three leagues from land, to the mouth of the Rio Grande . . . ." The problem is getting from the mouth of the Sabine to a point three leagues out in the Gulf. Texas argues that in the absence of clear statutory language and in the absence of illuminating legislative history, the boundary must be determined by reference to standards of domestic and international law extant in 1845/48, and how Congress would have intended that the eastern boundary of Texas be extended gulfward. The United States argues that ". . . lateral offshore bound-

[12] Texas has constructed a median line based on the historic coastline. (See Texas Exhibit DDD; Special Master's Exhibit).

aries simply do not exist until the process described in Article 12 is applied and a specific line is defined." United States post-trial reply brief, p. 6. The quoted language from the 1836 Act of the Republic of Texas simply does not describe or delimit any lateral boundary line from the mouth of the Sabine gulfward. No meridian is chosen, no angle of departure from the coast is referred to, nor is any point in the Gulf three leagues from land specified. Given the total lack of relevant language in the statute, there is no indication of how or where a lateral boundary was to be constructed. Statutory interpretation cannot supply missing words of such importance. Your Special Master concludes, and recommends, that the Court find that a lateral maritime boundary in the Gulf was not established in 1836 or in the period from 1845 to 1848 or thereafter.

The case of *United States v. Louisiana*, 363 U.S. 1 (1960), deserves study. How far a Special Master should go in commenting upon what was or was not decided by this Court in one of its opinions may be questionable. I think it proper, however, to mention that only Mr. Justice Douglas, Mr. Justice Brennan and Mr. Justice Stewart remain on the Court which decided this 1960 case. Mr. Justice Harlan, who wrote the majority opinion, made it clear that congressional attention surrounding the resolution approving the annexation of Texas was focused on the great political questions attending annexation, primarily slavery and possible war with Mexico "and the matter of boundary received little consideration except as it was related to larger issues" (P. 44). Later in the opinion it is stated:

> "For we are unable to find in the Congressional debates either on the 1844 Treaty or the 1845 Annexation Resolution a single instance of significant advertence to the problem of seaward boundaries." (47)

Still later the opinion states:

> "The foregoing circumstances make it abundantly plain that at the time Texas was admitted to the Union, its seaward boundary, though expressly claimed at three leagues in the 1836 Texas Boundary Act, had not been the subject of any specific concern in the train of events leading to annexation." (50)

Mr. Justice Black, concurring in part and dissenting in part, stated:

> "The opinion of Mr. Justice Douglas forcefully points out the difficulty, if not the impossibility, of finding that any of these States ever had a technical legal boundary out in the ocean. Even if a technical determination of boundaries were intended by Congress, rather than attempt that impossible task, I would prefer to return the Act to Congress for a more precise expression of its will." (90)

Mr. Justice Douglas dissenting in part, said:

> "The terms of the 1838 Convention do not support any such construction for, as I have said, that Convention fixed the boundary as extending 'from the mouth of the Sabine, where that river enters the Gulph of Mexico,' not 'three leagues' seaward of that point. To conclude, therefore, that the Treaty of Guadalupe Hidalgo was intended to fix the land and sea boundaries of Texas in accordance with the Texas Boundary Act of 1836 is to indulge in mental gymnastics beyond my capacities. * * *
>
> "While the 1838 Convention failed to include any seaward territory, a Joint Commission appointed to make the survey pursuant to the 1838 Convention actually marked the boundary between the United States and the Republic of Texas at the mouth of the Sabine River—not three leagues into the Gulf of Mexico." (102, 103)

Still later he stated:

> "Drawing the line 'to the Gulf of Mexico' is a far cry from drawing it to a point 'three leagues' from the shore."

Your Special Master concludes that most if not all of the members of the Supreme Court, whether in concurrence or in dissent, recogized that lateral boundaries were not being determined when Texas was admitted into the Union. If true, this justifies the position herein proposed by the Special Master that the lateral boundary be determined not on the basis of some inchoate line which no one had considered when Louisiana was admitted as a State or when Texas was admitted to the Union, but rather on the basis of the Geneva Convention rules insofar as applicable to the facts developed in this case.

Certain criticisms of the median line proposed by Texas based on its historic coastline were made by the opposing parties. Such a line would intersect the east jetty. Such a line would be more easterly than what Texas had claimed even under its "statutory" lateral boundary line. But of greater interest to the United States was the fact that the median line on Texas Exhibit DDD was not constructed on the basis of the actual 1845 coastline.

In order to construct a median line equidistant from the coastlines of the respective states, it is necessary to have sufficient segments of each state's coast represented on the map on which the median line is constructed. Regarding the Texas coastal segment of 1845 coastline, no problem arises since this segment has previously been adjudicated between Texas and the United States. However, the Louisiana historic coastline has never been determined. In order to obtain sufficient Louisiana historic coastline, the Texas experts extended the Louisiana coast based upon the trend of the coast (Transcript 845). Other problems with the median line are also present (See United States post-trial brief pp. 20-23). It is the conclusion of the Special Master that the median line on Texas DDD does have several techni-

cal defects which make the line inaccurate. It is also the case that such defects could be overcome. However, the median line proposed by Texas must be rejected not on the basis of the technical defects in the line's construction but because it is based upon a legal theory for which the Special Master cannot find support. There simply was no lateral boundary in 1845 in the Gulf.

While Texas has not formally proposed any of the other lines on the Special Master's Exhibit, a few words of explanation regarding each is in order. The median line using the present natural shorelines is constructed by Texas without the jetties. This line must be rejected as contrary to the Convention. It also produces an inequitable result. This line is discussed further in the section on "Special Circumstances."

The Texas statutory line must be rejected for the reasons outlined regarding the Louisiana statutory line. The Texas statutory line is an extension of the "thalweg" doctrine, as described in the testimony of Bascomb Giles, the Texas Land Commissioner in office at the time the line was created by Texas. Since the "thalweg" doctrine was rejected by your Special Master in his first report, and affirmed by this Court in that respect, it is clear that no extension of such a thalweg line is acceptable in this dispute.

VIII. SPECIAL CIRCUMSTANCES

The other exception to the rule under Article 12 is "other special circumstances." This was considered by A. L. Shalowitz, recognized by all of the parties as one of the great experts in matters relating to the law of the sea. His memorandums are dated March 10 and April 18, 1961 and are in evidence as part of Texas Exhibit YYY. They are directed to the Director of the U. S. Coast and Geodetic Survey, and were prepared for use in the litigation between the United States and Louisi-

ana. Your Special Master will not set forth the memorandums in full but will hereafter set forth and analyze relevant parts.

It should first be noted that the Shalowitz memorandums were not written for the purpose of determining lateral boundaries between states. They were written following the request of Solicitor General Cox by letter of March 6, 1961 that the U. S. Coast and Geodetic Survey furnish its expert advice and opinion as to the construction and measurement of the line marking the Louisiana grant under the Submerged Lands Act. Rear Admiral Karo, then Director of the Survey, replied on April 18, 1961 and attached to his reply a Shalowitz memorandum. As dicta his theory on interstate boundary was set forth. Shalowitz clearly saw the matter as one needing further study. He states: "There seems to be some question, however, as to where the actual interstate boundary runs after leaving the coast. For example, on U. S. Geological Survey Quadrangle Sabine Pass, published in 1957, the boundary is shown for a short distance as running between the jetties. This matter should be studied further."

The record in this case shows the memorandum to be in error when it states: "A true median line (considering the jetties as part of the coastline) would throw the interstate boundary far to the eastward of the jetties, to the great disadvantage of Louisiana."

The line proposed by the Solicitor General, and marked on the Special Master's Exhibit "U.S.", is a true median line constructed in accordance with Article 12. Reference to the Exhibit shows that it does not throw the interstate boundary far to the east of the jetties and is a line which, while not the line contended for by Louisiana, is not to its serious disadvantage.

That he was correct when he recognized that more study was needed is also shown when his list of sources on which he relied is examined. He makes no reference to the 1836 Act of the Republic of Texas or the Congressional Annexation Act, both of which are the foundation for the argument of Texas that a lateral boundary previously existed in the Gulf.

Shalowitz concludes that a justifiable boundary would result from drawing a median line without regard to the jetties but would still use the jetties to fix the "3-mile boundary of Louisiana." Presumably this meant using the jetties in constructing the Louisisana grant under the Submerged Lands Act, while ignoring the jetties for lateral boundary purposes. A median line using the modern coastline without the jetties produces the most easterly line of any. This is graphically shown by and was a reason for the Special Master's Exhibit. It seems inequitable on its face, and it is not offered by Texas as its proposed boundary line. Shalowitz in support of his conclusions argues that it can be reasoned that the lateral boundary existed before the jetties were built and that except by agreement the building of the jetties would not alter that boundary. This is the position urged by Texas. As discussed earlier in this report, such a previously existing lateral boundary has not been proven and your Special Master has concluded that the parties did not until about the time of this litigation urge such a claim. Shalowitz recognized that his proposal presented another problem, namely, that a median line constructed without reference to the jetties would sever the east jetty. Your Special Master hereafter discusses this problem and the International Law Commission suggestion by example that such a severance was a special circumstance to be avoided even at the cost of deviating from the equidistant principle.

Your Special Master concludes that the Shalowitz memorandum is not persuasive or binding under the facts and issues here presented insofar as it relates to the lateral boundary in the Gulf.

The existence of navigation channels in the area of a lateral boundary is an example of what the International Law Commission considered to be a special circumstance. The Commission also considered as a special circumstance a water boundary that might intersect a peninsula of land. Dr. Hodgson's testimony, transcript at p. 588, was to the effect that one of the advantages of the equidistant principle of Article 12 is that no severing of land forms would occur. Hodgson also pointed out that the term "special circumstances" has never been defined and is not defined in the Convention. He did state the following:

> "It is generally considered to be any physical or geographic feature which can result in an inequitable division of the seabed." p. 597.

Each state proposes a line that would sever the other's jetty (See Special Master's Exhibit). The International Law Commission example of a land form severed by a water boundary was a special circumstance to be avoided, even at the cost of deviating from the equidistant principle. Extending the lateral boundary through the jetties (which is a navigation channel) not only allows the equidistant principle to be applied without interruption but also prevents the severing of either jetty by a boundary line.

The use of the Texas 1845-1848 coastline creates a median line that would sever the east jetty. Texas points out that Texas uses its historic 1845-1848 coastline to measure out three leagues under the Submerged Lands Act and that Louisiana uses the east jetty to measure out three geographic miles. It follows, Texas argues,

that if Article 12 of the Geneva Convention were literally applied using these two references that the resulting median line would run in the direction of Galveston, Texas. Such a line would be clearly inequitable. Texas concludes that both jetties must therefore be disregarded.

Texas is correct in its assertion that the use of one jetty would be inequitable in determining the lateral boundary. However, the argument that a literal application of Article 12 produces an inequitable result is not correct.

Texas premises its argument on the assumption that its 1845-1848 coastline would be employed in an application of Article 12. This is not the case. Article 12 defines the median line as a line "every point of which is equidistant from the nearest points on the *baselines from which the breadth of the territorial seas of each of the two states is measured.*" (emphasis added) Texas equates its historic coastline of 1845-1848 with the baseline referred to in Article 12, and asserts its three league grant is the "Texas territorial sea."

As noted above, the baseline of Article 12 is the modern, ambulatory coastline, not an historic coastline. The three league area grant to Texas under the Submerged Lands Act gave Texas certain rights in the area but did not create a "territorial sea." Only the United States has a territorial sea,[13] and it is measured from the Convention coastline, including the jetties. The Submerged Lands Act historic boundary grant to Texas did not create a different baseline for Texas, as pointed out by this Court in its decision regarding the § 2(b) limita-

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[13] "As an incident to the transfer of that sovereignty any claim that Texas may have had to the marginal sea was relinquished to the United States." *United States v. Texas*, 339 U.S. 707, 718 (1950).

tion on the Texas grant, which is measured from the modern, ambulatory Convention coastline. As stated by this Court in the second California case, the Geneva Convention ". . . establishes a single coastline for both the administration of the Submerged Lands Act and the conduct of our future international relations. . . ." *United States v. California*, 381 U.S. 139, 165 (1964). Your Special Master is reluctant to recommend that Texas has two baselines, one for Submerged Lands Act purposes and another for lateral boundary purposes.

The Texas argument that a literal application of the Convention produces inequity is not persuasive. To comply with the Convention and to do equity both jetties must be included as part of the baseline. To the extent the jetties are special circumstances in this case, they are to be included rather than ignored.

The Special Master concludes that the position of the United States is a sound one, namely, that the jetties should be used in determining the boundary since both jetties are part of the coast under Article 8 and their use is not inequitable.

IX. ARTICLE 13

As previously discussed, the Sabine River flows through the jetties into the Gulf of Mexico. Both the river and the jetties are items of significance under the Geneva Convention.

Article 13 of the Geneva Convention on the Territorial Sea and Contiguous Zone provides as follows: "If a river flows directly into the sea, the baseline shall be a straight line across the mouth of the river between points on the low-tide line of its banks." This article of the Convention was not fully developed by the parties in the written briefs but was mentioned in connection

with certain evidence presented at the New Orleans hearing. Because of its apparent application to the facts of this case, an analysis of the role of Article 13 in this dispute is required of your Special Master.

The issue in question is the determination of the proper baseline from which the lateral boundary is to be constructed, applying the Shalowitz principle of a median line as set forth in Article 12.

As already pointed out above, the second California case held that the "coastline" of the Submerged Lands Act and the "baseline" of the Geneva Convention is the same line. *United States v. California*, 381 U.S. 139, 164-165 (1965). Article 3 of the Convention provides that the "normal baseline for measuring the breadth of the territorial sea is the low-water line along the coast" as pointed out by Dr. Hodgson's testimony, *supra*. Article 3 also notes that the low-water line is the baseline "except where otherwise provided in these articles . . ." and these exceptions were also covered in Dr. Hodgson's testimony, *supra*. Article 8 provides that "harbour works", such as the jetties, "shall be regarded as forming part of the coast." Thus, in applying Article 12, the jetties are part of the coast as held in *United States v. Louisiana*, 394 U.S. 11 (1969). However, we have here not only harbor works in the form of jetties, but also a river entering the sea. Article 13 would require the baseline to be a "straight line across the mouth of the river between points on the low-tide line of its banks." Depending on where such a "low-tide line" were established, it could turn out that a baseline constructed following Article 13 would exclude the jetties as part of the coastline. For this to happen the straight line would have to be drawn across the natural mouth of the Sabine. Such an exclusion would contravene Article 8. It is of note that no evidence was introduced by the parties

regarding such an Article 13 "low-tide line" except for U. S. Exhibit AAAA.

U. S. Exhibit AAAA indicates the low-tide line by areas marked in blue versus areas marked in white. [Note: The exhibit colors seem to your Special Master to be blue versus white, but Dr. Hodgson testified the colors were green and yellow. Transcript at p. 749.] The map shows that the jetties have been built, either by design or happenstance, to extend to the low-tide line. Such a low tide line would not create a conflict between Articles 8 and 13, since this low-tide line, as shown on U. S. Exhibit AAAA, would indicate a closing line at the terminus of the jetties even under Article 13. A conflict between Articles 8 and 13 exists only if Article 13 is read to require a straight line across the *natural* mouth of the river on the low-tide line of its banks, "banks" being interpreted to exclude the jetties. Such a conflicting interpretation of Articles 8 and 13 need not be reached in this case since it is the belief of your Special Master, for the reasons set out following, that the jetties must be included as part of the baseline, whether in harmony or in conflict with Article 13. However, U. S. Exhibit AAAA does provide an Article 13 low-tide line which is in consonance with Article 8 in that the jetties are included rather than excluded from a determination of the baseline.

It is the belief of your Special Master that the case law generated by the Submerged Lands Act requires that the baseline used to construct the lateral boundary in this case include the jetties pursuant to Articles 8 and 12. Moreover there is expert testimony which would support a finding that the mouth of the river is at the terminus of the jetties. The expert testimony was offered by Dr. Hodgson (p. 529 of Transcript). Prescription and acquiescence evidence also indicates that the geographic middle of the jetty channel marks the lateral

boundary. Furthermore, a lateral boundary line drawn using the modern coast with a baseline including a closing line across the river at the head of the jetties would produce an inequitable division of the seabed granted to the states. Such a line would be the most easterly of any proposed. Such a line is far to the east of even the Texas statutory line, and is also east of the line argued for by Texas as its primary contention.

The Special Master concludes that the baseline should include the jetties of Texas and Louisiana. Any construction of Article 13 which requires the baseline to include a closing line at the head of the jetties, rather than at the terminus, is rejected. The Convention (Articles 3, 8 and 12), the case law, and equity require this conclusion.

X. SUMMARY OF RECOMMENDATIONS

In summary, and without repeating in detail the recommendations of your Special Master contained herein, your Special Master has concluded and recommends:

1) That the boundary between the States of Texas and Louisiana from 32° to 30° north latitude be established as shown upon Texas Exhibit AAA 1-12, pursuant to agreement of the parties.

2) That the boundary line from 30° north latitude to the Gulf of Mexico and to the terminus of the jetties be established as being the median line marked on Louisiana Exhibits DDD and III and hereinabove described specifically, with the right to the States of Texas and Louisiana to alter such boundary within Sabine Lake by agreement within the time proposed.

3) That the claim of the United States of America to an island named "Sam" be denied.

4) That the lateral boundary in the Gulf of Mexico between the States of Texas and Louisiana and between the State of Texas and the United States of America be established as the line shown on your Special Master's Exhibit and marked "U.S."

5) That the cost be taxed to the parties in accordance with their contribution to the fund established by your Special Master and deposited in the First National Bank & Trust Company, Lincoln, Nebraska; that no costs be taxed for the services of your Special Master herein; that upon the order of termination of this case your Special Master file a report setting forth the amount of money received by him from the parties for the payment of costs and expenses pursuant to his requests and of the disbursement thereof for approval by the Court unless prior thereto the parties in writing have approved your Special Master's report as to the disbursement of said moneys.

Respectfully submitted,

ROBERT VAN PELT
Special Master

XI. APPENDICES

Appendix A

Special Masters Exhibit

(See Map Following)

OVERSIZE FOLDOUT(S) FOUND HERE IN THE PRINTED EDITION OF THIS VOLUME ARE FOUND FOLLOWING THE LAST PAGE OF TEXT IN THIS MICROFICHE EDITION.

SEE FOLDOUT NO 1

Appendix B

NOTE: By agreement of the parties all exhibits in evidence from the prior hearing are in evidence for the purposes of this report. Prior exhibits are identified in the appendix to the first report.

List of United States Exhibits

U.S. Ex. No.	*Description*
DDD	U.S. Geological Survey Map, "Port Arthur South", 7½-minute quadrangle map, 1957, revised 1970
EEE	U.S.C. & G.S. Chart, "Hydrography of Sabine Pass and Lake, La. and Tex." 1885
FFF	U.S.C. & G.S. Chart No. 517 "Sabine Pass and Lake", March 1906
GGG	Corps of Engineers, "Map of Sabine-Neches Canal, Texas", January 1910
HHH	U.S.C. & G.S. Chart No. 517, "Sabine Pass and Lake", June 1911
III	U.S. Geological Survey Map, "Port Arthur South", 15-minute quadrangle map, 1943, revised 1957
JJJ	Portion of the "Map of the River Sabine" 1840, showing the entrance of the Sabine River into Sabine Lake, Sabine Lake, Sabine Pass, and three islands on the west shore of Sabine Lake
KKK	U.S.C. & G.S. Chart No. 517, "Sabine Pass and Lake", July 1916
LLL	A. Sugg and L. Pardue, *Memorable Hurricanes of the United States Since 1873*, NOAA Technical Memorandum NWS SR 56 (April 1971), pp. 1 to 24
MMM	U.S.C. & G.S. Chart No. 1279, 17th edition, entitled "United States-Gulf Coast, Louisiana-Texas, Calcasieu Pass to Sabine Pass. Drawn on this chart is the United States' contention as to the location of the lateral boundary which divides the rights of

Appendix

U.S. Ex. No.	*Description*
	Texas, Louisiana and the United States in the resources of the continental shelf in the Gulf of Mexico and Texas and Louisiana contentions
NNN	Six of a set of 155 maps depicting the outer limits of the territorial sea and contiguous zone of the United States and lines marking the outer limits of inland waters where those lines are material to the delimitation of the territorial sea
OOO	Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. (Pt. 1) pp. 1608-1614; T.I.A.S. 5539
PPP	Convention on the Continental Shelf, 15 U.S.T. 471; T.I.A.S. 5578
QQQ	Fourteen volumes of a set entitled "International Boundary Study, Series A, Limits in the Seas," issued by the Geographer, Department of State, Washington, D.C.
RRR	Treaty Between the United States and Great Britain, Boundary Line in Passamaquoddy Bay. Treaty Series Number 551
SSS	Treaty to Resolve Pending Boundary Differences and Maintain the Rio Grande and Colorado River As the International Boundary, 23 U.S.T. 371; T.I.A.S. 7313
TTT	Memorandum written by Robert D. Hodgson, entitled "Procedures for the Creation of a Boundary for the Maritime Zone Between Mexico and the United States in the Gulf of Mexico," with enclosure
UUU	Stipulation Between the United States and the State of Texas Regarding the Historic Coast Line and Boundary of Texas. July 15, 1968
VVV	A reduced scale copy of Map Number 1 of a set of 47 which maps depict the historic coastline of Texas as agreed to by the State of Texas and the United States

U.S. Ex. No.	*Description*
WWW	U.S.C. & G.S. Chart No. 1116, 29th edition, entitled United States-Gulf Coast, Mississippi River to Galveston. Drawn on this chart are illustrations of the lateral boundary contentions of the United States
XXX	A reduced scale copy of Map Number 47 of a set of 47 maps which depict the historic coastline of Texas as agreed to by Texas and the United States
YYY	Affidavit of Joseph T. Long
ZZZ	Definition of the term "River" from standard geographic sources
AAAA	U.S.C. & G.S. Chart 517, 28th edition 1973
BBBB	Report of Albert B. Maris, Special Master in *United States* v. *Florida*, No. 52, Original
CCCC	Transparent reproduction of a portion of U.S.C. & G.S. Chart 517 dated June 1911 and entitled "Sabine Pass and Lake"
EEEE	Treaty of Peace, Friendship, Limits, and Settlement with the Republic of Mexico, February 2, 1848
JJJJ	Moore, International Arbitrations, Vol. I, pp. 233-236 and 471-473
WWWW	Affidavit of Davis, Corps of Engineers, explaining Port Arthur Exhibits AAA 1 and 2
XXXX	Deposition of Joseph T. Long
AAAAA*	U.S.C. & G.S. Chart No. 203, "Coast of Texas from Sabine Pass Westward to High Island", May 1899
BBBBB*	U.S.C. & G.S. Chart No. 203, "Coast of Texas from Sabine Pass Westward to High Island", June 1901

* Exhibits constituting new evidence introduced by the United States pursuant to written motion.

Appendix

U.S. Ex. No.	*Description*
CCCCC, 1-2*	Chart history of U.S.C. & G.S. Chart No. 203, "Coast of Texas from Sabine Pass Westward to High Island", October 1900 (2 sheets)
DDDDD*	Chart history of U.S.C. & G.S. Chart No. 203, "Coast of Texas from Sabine Pass Westward to High Island", May 1899
EEEEE, 1-2*	Chart History of U.S.C. & G.S. Chart No. 517, "Sabine Pass and Lake", January 1901 (2 sheets)
FFFFF, 1-2*	Chart history of U.S.C. & G.S. Chart No. 203, "Coast of Texas from Sabine Pass Westward to High Island", June 1901 (2 sheets)
GGGGG 1*	Affidavit of Herbert W. Burgoyne
GGGGG 2*	Certificate of Herbert W. Burgoyne

Documents for Judicial Notice Offered by the United States

FFFF	Black's Law Dictionary, Revised 4th Ed. 1968, p. 1491.
GGGG	Act of May 22, 1953, 67 Stat. 29.
HHHH	Treaty with Great Britain, June 15, 1846, 9 Stat. 869.
IIII	Malloy, Treaties, Conventions, International Acts, Protocols and Agreements, 1776-1909.
IIII_1	Definitive Treaty of Peace, 1783, United States and Great Britain, I Malloy 586.
IIII_2	Reciprocity Treaty as to Fisheries, Duties and Navigation British North America, June 5, 1854, I Malloy 668.
IIII_3	Treaty of Washington, May 8, 1871, I Malloy 700.

* Exhibits constituting new evidence introduced by the United States pursuant to written motion.

U.S. Ex. No.	*Description*
JJJJ$_1$	Moore, International Arbitrations, Vol. 1, pp. 233-236 and 471-473.
JJJJ$_2$	Map of the river Buctouche from the United States/ Great Britain Reserved Fisheries arbitrations.
KKKK	W. L. Griffin, Delimitation of Ocean Space Boundaries Between Adjacent Coastal States of the United States, Proceedings of the Third Annual Conference of the Law of the Sea Institute, June 24-27, 1968, pp. 142-155.
LLLL	A. L. Shalowitz, Shore and Sea Boundaries, Vol. 1, pp. 230-235, 244-245.
MMM	Treaty with Mexico, December 30, 1853, 10 Stat. 1031.
NNNN	Whiteman, Digest of International Law, Vol. 4, pp. 323-335.
OOOO	Yearbook of the International Law Commission, Vol. II, 1956; A/CN.4/SER.A/1956/ADD. 1, November 1956, p. 272.
PPPP	North Sea Continental Shelf Cases, selected pages from the opinion of the International Court of Justice, 20 February 1969, pp. 23-26.
QQQQ	International Court of Justice Yearbook, 1968-1969, pp. 100-108.
RRRR	A. F. Ryan, The Offshore Boundaries of the State of Rhode Island, 1972.
SSSS$_1$	Richard Young, "The International Law Commission and the Continental Shelf," The American Journal of International Law (1952), Vol. 46, pp. 123-128.
SSSS$_2$	Richard Young, "Lord Asquith and the Continental Shelf," The American Journal of International Law (1952), Vol. 46, pp. 512-515.

Appendix

U.S. Ex. No.	*Description*
TTTT	Richard Young, "The Geneva Convention on the Continental Shelf: "A First Impression," The American Journal of International Law (1958), Vol. 52, pp. 733-738.
UUUU	Richard Young, "Offshore Claims and Problems in the North Sea," The American Journal of International Law, (1965) Vol. 59, pp. 505-522.
VVVV	Richard Young, "Equitable Solutions for Offshore Boundaries: The 1963 Saudi Arabia-Iran Agreement," The American Journal of International Law (1970) Vol. 64, pp. 152-157.

List of City of Port Arthur Exhibits

City of Port Arthur Ex. No.	*Description*
AAA 1-2	Two sheets No. 1 and 2 of a Sabine-Neches Waterway right-of-way map of the U. S. Engineers Office, Galveston, Texas, dated 11/19/37.
BBB 1-4	Four aerial photographic maps of Pleasure Island and the Sabine-Neches Ship Channel, dated 11/21/71, and being designated Sheets No. 18, 19, 37, and 38, with superimposed Pleasure Island boundary from U. S. Exhibit DDD.
CCC	Affidavit of Carroll Holt.

Texas Exhibits

"AAA" — Pages 1-12—Maps relating to the agreement between Texas and Louisiana concerning the river boundary line north of Sabine Lake. The plats representing the surveys are officially identified as follows:

AAA-1 — Center Quad. (1958 Ed., photo rev. 1969)

AAA-2 — Logansport Quad. (1956 Ed., photo rev. 1969)

AAA-3 — Patroon Quad. (1956 Ed., photo rev. 1969)

AAA-4 — Zwolle Quad. (1957 Ed., photo rev. 1969)

AAA-5 — Negreet Quad. (1954 Ed., photo rev. 1969)

AAA-6 — Wiergate Quad. (1954 Ed., photo rev. 1969)

AAA-7 — Merryville Quad. (1959 Ed.)

AAA-8 — Bon Wier Quad. (1959 Ed.)

AAA-9 — Starks Quad. (1959 Ed., photo rev. 1967)

AAA-10 — Bessmay Quad. (1955 Ed.)

AAA-11 — Orange Quad. (1960 Ed.)

AAA-12 — Orangefield Quad (1957 Ed.)

"DDD" — Reproduction of U.S. Coast and Geodetic Survey Map No. 47 of 47 showing various lines projected into the Gulf.

"DDD-1" — Overlay showing present shoreline.

"DDD-2" — Overlay showing Texas statutory line.

"DDD-3" — Overlay showing contention of U.S., a perpendicular bisector from the end of the jetties.

"FFF" — Copy of a report of the Chief of Engineers of the results of the survey of the entrance to Sabine Pass, Texas, dated March 29, 1882.

"GGG" — Map of Texas Gulf Coast, showing lease blocks, with lands leased by Texas in disputed area marked out in black.

"HHH" — Map of Texas Gulf Coast with leases indicated in green.

"III" — Affidavit of Lewis M. Morris.

"III-1" — Deposition of Lewis M. Morris.

"JJJ" — Affidavit of Tom Ellis.

"JJJ-1" — Deposition of Tom Ellis.

"KKK" — Affidavit of Carlyle J. Plummer.

"KKK-1" — Deposition of Carlyle J. Plummer.

"LLL" — Affidavit of Lewis Alexander.

"LLL-1" — Deposition of Lewis M. Alexander.

"LLL-2" — Reduced copy of Texas Exhibit "DDD", furnished to Louisiana.

"MMM" — A bibliography of Richard Young.

"NNN" — Affidavit of J. Bascom Giles.

"OOO" — Affidavit of Martin Verboon.

"PPP" — Affidavit of Robert LeBlanc.

"QQQ" — Affidavit of A. A. DeLee.

"RRR" — A 1900 U.S. and Geodetic Survey Map.

"SSS" — A 1959 Game and Fish Commission map which was produced by the Parks & Wildlife.

"TTT" — Affidavit of Carl Peyton Covert.

"UUU" — Copy of 1947 Texas Statute, Article 5415a, Vernon's Texas Civil Statutes.

"WWW" — Copy of 1 Laws, Republic of Texas, 133; 1836 boundary statute.

"XXX" — Base map "Sabine-Neches Waterway, Texas" prepared by U. S. Corps of Engineers in 1938 showing ends of jetties at various points in time, with overlays showing simulated median lines.

"YYY" — Solicitor General of United States letter dated March 6, 1961, signed by Archibald Cox, addressed to Rear Admiral H. Arnold Karo, Director, Coast & Geodetic Survey in Washington, with attached memorandum from Mr. Clement.

Louisiana Exhibits

LA. EXHIBIT AAA 1-3

1. Act No. 55 of the 1938 Regular Session of the Louisiana Legislature
2. Act No. 32 of the 1954 Regular Session of the Louisiana Legislature
3. Act No. 33 of the 1954 Regular Session of the Louisiana Legislature

LA. EXHIBIT BBB

(La. Item 44)

Louisiana Department of Public Works map showing the boundary between Texas and Louisiana in the Sabine as contended by Louisiana from the 30th degree of north latitude south to the gulfward extension of the Sabine as the boundary between Texas and Louisiana.

LA. EXHIBIT CCC

(La. Item 104)

Louisiana Department of Public Works map showing proper coordinates for end of Sabine jetties.

LA. EXHIBIT DDD

Corrected La. Item 104 per 30° N - South

LA. EXHIBIT EEE 1-21
(La. Items 1-21)

1. Map of the River Sabine from its mouth on the Gulf of Mexico in the Sea to Logan's Ferry (Surveyed in 1840)
2. Swamp Selection List dated June 11, 1929, covering Lots 1, 2 and 3 of Section 36, Township 12 South, Range 15 West, Louisiana Meridian.
3. Swamp Approval List No. 229 covering Lots 1, 2, and 3 of Section 36, Township 12 South, Range 15 West, Louisiana Meridian.
4. Government survey plat approved December 18, 1850, covering lands in Township 12 South, Ranges 14 and 15 West, Louisiana Meridian.
5. United States tract book record covering Section 36, Township 12 South, Range 15 West, Louisiana Meridian.
6. Louisiana tract book record covering Section 36, Township 12 South, Range 15 West, Louisiana Meridian.
7. Swamp Selection List dated October 30, 1850 covering Section 31, Township 12 South, Range 14 West; Section 6, Township 13 South, Range 14 West; and Section 1, Township 13 South, Range 15 West.
8. Swamp Approval List No. 1, Opelousas, covering Section 31, Township 12 South, Range 14 West; Section 6, Township 13 South, Range 14 West; and Section 1, Township 13 South, Range 15 West.
9. United States tract book covering Section 31, Township 12 South, Range 14 West, Louisiana Meridian.
10. Louisiana tract book covering Section 31, Township 12 South, Range 14 West, Louisiana Meridian.
11. Government survey plat approved April 23, 1851, covering lands in Township 13 South, Ranges 14 and 15 West, Louisiana Meridian.

12. United States tract book record covering Section 1, Township 13 South, Range 15 West, Louisiana Meridian.
13. Louisiana tract book record covering Section 1, Township 13 South, Range 15 West, Louisiana Meridian.
14. Louisiana Patent No. 7712 to Robert H. Jackson of Section 31, Township 12 South, Range 14 West; Section 36, Township 12 South, Range 15 West; and Section 1, Township 13 South, Range 15 West, Louisiana Meridian.
15. United States tract book record covering Section 6, Township 13 South, Range 14 West, Louisiana Meridian.
16. Louisiana Tract book record covering Section 6, Township 13 South, Range 14 West, Louisiana Meridian.
17. Louisiana Patent No. 7522 to Henry B. Firce of Section 6, Township 13 South, Range 14 West, Louisiana Meridian.
18. Map of Sabine-Neches Waterway, Texas, dated August, 1944, being Plat No. 4 of House Document No. 571, 79th Congress, 2d Session (numbered Louisiana's Item No. 31).
19. Deed dated May 23, 1912, from John C. Tracy and D. Cox to the United States of America of lands in Cameron Parish, Louisiana, being more particularly described as lands in Section 36, Township 12 South, Range 15 West and Section 1, Township 13 South, Range 15 West, Louisiana Meridian.
20. Affidavit of Honorable Leslie Richard, Tax Assessor for Cameron Parish, Louisiana.
21. Affidavit of Honorable Claude Eagleson, Sheriff and Ex-Officic Tax Collector for Cameron Parish, Louisiana.

LA. EXHIBIT FFF House Document 634

LA. EXHIBIT FFF-1 Plat Attached to House Document 634

LA. EXHIBIT GGG
(La. Item 43)

U. S. Coast and Geodetic Survey Map. No. 517, Sabine Pass and Lake, Louisiana and Texas, based on Corps of Engineers surveys from 1874 to June, 1900.

LA. EXHIBIT HHH

House Document No. 571, 79th Congress, 2d Session (Sabine-Neches Waterway, Texas), Letter from the Secretary of War transmitting a letter from the Chief of Engineers, United States Army, dated September 17, 1945, submitting a report, together with accompanying papers and illustrations (including Louisiana Item 18), on a review of reports on Sabine-Neches Waterway, Texas.

LA. OFFERS U. S. KKK

U.S.C. & G. S. Chart No. 517, "Sabine Pass and Lake", July, 1916

LA. EXHIBIT III
(La. Item 45)

Louisiana Department of Public Works map showing the boundary between Texas and Louisiana as contended by Louisiana from the 30th degree of north latitude south to the gulfward extension of the Sabine as the boundary between Texas and Louisiana which reflects Texas' contended boundary in Sabine Lake and Pass.

LA. EXHIBIT JJJ
(La. Item 46)

Map No. 41 of 41 of a series numbered from east to west, Louisiana coast, prepared by the Coast and Geodetic Survey for the Bureau of Land Management and the State of Louisiana to show the approximate mean low water line along the Gulf Coast as interpolated and compiled from aerial photographs taken by Jack Ammann Corporation, January, 1954, on which is shown Louisiana's principal and alternative contentions as to the gulfward boundary between Texas and Louisiana.

LA. EXHIBIT KKK
(La. Item 48)

Map No. 41 of 41 of a series numbered from east to west, Louisiana coast, prepared by the Coast and Geodetic Survey for the Bureau of Land Management and the State

of Louisiana to show the approximate mean low water line along the Gulf Coast as interpolated and compiled from aerial photographs taken by Jack Ammann Corporation January, 1954, showing Louisiana's alternative line from the midpoint of Sabine Pass true south.

LA. EXHIBIT LLL
(La. Item 49)

Map No. 41 of 41 of a series numbered from east to west, Louisiana coast, prepared by the Coast and Geodetic Survey for the Bureau of Land Management and the State of Louisiana to show the approximate mean low water line along the Gulf Coast as interpolated and compiled from aerial photographs taken by Jack Ammann Corporation January, 1954, showing Louisiana's alternate line being a line projected through the center of the jetties (as an extension of the Sabine) south 11 degrees 31 minutes 26.4 seconds east.

LA. EXHIBIT MMM
(La. Item 50)

Blank copy of Map No. 41 of 41 of a series numbered from east to west, Louisiana coast, prepared by the Coast and Geodetic Survey for the Bureau of Land Management and the State of Louisiana to show the approximate mean low water line along the Gulf Coast as interpolated and compiled from aerial photographs taken by Jack Ammann Corporation January, 1954.

LA. EXHIBIT NNN
(La. Item 87)

Texas General Land Office County Boundary Map dated September 22, 1953, prepared pursuant to Chapter 287, Acts of the 50th Legislature, 1947.

LA. EXHIBIT OOO
(La. Item 51)

Coast and Geodetic Survey Maps (Rollover Bayou to Calcasieu Pass, United - Gulf Coast - Louisiana; Calcasieu Pass to Sabine Pass, United States, Gulf Coast - Louisiana - Texas; and Sabine Bank to East Bay, including Healed Bank, United States-Gulf Coast, Texas) attached and prepared by Louisiana Department of Public Works to reflect the trend of the coastline where the Calcasieu and Sabine

Rivers flow into the Gulf of Mexico and to show a projected line gulfward.

LA. EXHIBIT PPP
(La. Item 103)

Horizontal Control Data series published and printed by the United States Department of Commerce, Coast and Geodetic Survey, Washington, D. C., in October, 1966, which reflects that, as early as 1923, the Coast and Geodetic Survey considered Sabine Pass east jetty as part of the State of Louisiana.

LA. EXHIBIT QQQ (1-20)
(La. Items 54-73)

1. United States River and Harbor Works performed by U. S. Army Engineer District, Galveston, Corps of Engineers.
2. Report of the Chief of Engineers of 1875.
3. Appendix O to the Chief of Engineers Report of 1883, with other documents relating to the works. (Improvement of Sabine Pass and Blue Buck Bar, and of Sabine and Neches Rivers.)
4. Report of the Chief of Engineers, U. S. Army; Report of Major Adams of 1900, Vol. 1, relative to improvement of mouths of Sabine and Neches Rivers, Texas, etc.
5. Report of the Chief of Engineers, U. S. Army of 1900, Vol. II, relative to re-examination of the proposed channel through Sabine Lake, Texas and Louisiana.
6. Report of the Chief of Engineers, 1901, Harbor at Sabine Pass, Texas.
7. Report of the Chief of Engineers, 1901, Appendix T, Improvement of Mouths of Sabine and Neches Rivers, Texas, etc.
8. Report of the Chief of Engineers, 1915, Harbor at Sabine Pass and Port Arthur Canal, etc.
9. Report of the Chief of Engineers, 1915, Vol. I, Mouths of Sabine and Neches Rivers, Texas, etc.
10. Report of the Chief of Engineers, 1915, Vol. II, Mouths of Sabine and Neches Rivers, Texas, etc.

11. Report of the Chief of Engineers, 1916, Vol. I, Mouths of Sabine and Neches Rivers, Texas, etc.
12. Report of the Chief of Engineers, 1916, Vol. II, Mouths of Sabine and Neches Rivers, Texas, etc.
13. Report of Chief of Engineers, 1926, Rivers and Harbors, Galveston, Texas District, etc.
14. Report of Chief of Engineers, 1929, Improvements of Rivers and Harbors in the Galveston, Texas, District, etc.
15. Report of the Chief of Engineers of 1930, Improvement of Rivers and Harbors in the Galveston, Texas District, etc.
16. Report of Chief of Engineers, 1940, Sabine-Neches Waterway, Texas, etc.
17. Report of Chief of Engineers, 1950, Improvements of Rivers and Harbors in the Galveston, Texas, District, etc.
18. Report of Chief of Engineers, 1960, Sabine-Neches Waterway, Texas, etc.
19. Report of Chief of Engineers, 1970, Sabine-Neches Waterway, Texas, etc.
20. Report of Chief of Engineers, 1971, Sabine-Neches Waterway, Texas, etc.

LA. EXHIBIT RRR-1. (1-8)
(La. Items 74-81)

1. Copy of letter of April 10, 1974, from Weldon M. Gamel, Chief, Constructions-Operations Division, Department of the Army, Galveston, District, Corps of Engineers, to Mr. Roy Aguillard, Director of the Louisiana Department of Public Works, to which is attached a permit dated June 29, 1942, issued to the Federal Public Housing Authority, which permit was acquired for the purpose of dredging the Sabine River and adjacent area at Orange, Texas, to provide fill for public housing on the Texas side of the River.
2. Sheet No. 21 of 21 of Survey Gulf to Beaumont and Orange, Texas, 1912, showing the dredged turning basin south of Orange, Texas, and a portion of the Sabine River East of Orange, Texas, prior to widening.
3. Survey by F. Shutts, Civil Engineer, made during the period May 18, through 27, 1911, entitled "Teutonic

Land and Development Company Holdings located in Township 11 South, Ranges 12 and 13 West.

4. Survey by F. Shutts' Sons from March to September, 1950, entitled "The Ohio Oil Company Survey of Township 11 South, Range 13 West, Calcasieu Parish, Louisiana.", which survey map shows the left bank of the Sabine River opposite Orange, Texas as it appeared before and after widening.
5. Clear film enlargement to scale 1/24,000 of Phoenix Lake 1932 quadrangle, previously filed in evidence as Texas' Exhibit A-7.
6. Copy of the Orange, Louisiana-Texas quadrangle scale 1/24,000, dated 1960 photo-revised 1970, which covers same area used to compare the location of the middle of the Sabine River before and after dredging.
7. Clear film of Orange, Texas quadrangle dated 1926, scale 1/62,500 made for Texas Board of State Water Engineers.
8. Copy of Orange, Louisiana-Texas Quadrangle dated 1960 scale 1/62,500, previously filed in evidence as Texas' Exhibit AAA-11, which Mr. Hatley Harrison submitted to Texas showing the correct location of the middle of the Sabine River.

L.A. EXHIBIT SSS Lease Block Map - 1947

LA. EXHIBIT TTT (1-2)
(Same as sub Tex HHH - May 1, 1974 list)

LA. EXHIBIT UUU
(La. Item 52)

Louisiana State Mineral Board Lease Block Map of 1947, West Cameron Area (base map from U. S. Coast and Geodetic Survey Charts Nos. 1278 and 1279), showing Louisiana oil, gas and mineral leases within area of contention as to gulfward boundary between Texas and Louisiana.

LA. EXHIBIT UUU-1
(La. Item 81)

(a) State Lease No. 783, dated September 12, 1946.
(b) Copy of Plat
(c) Copy of Release

(d) Copy of map covering West Cameron area and certification of publication of same dated August 12, 1946.

(e) Copy of correspondence dated March 14, 1958 and February 7, 1958, relative to State Lease No. 783.

(f) Copy of application dated July 19, 1946, from the Superior Oil Company along with list of checks and map of West Cameron Area.

(g) Copy of correspondence relative to notices for publications relative to State Lease No. 783.

(h) Copy of correspondence dated January 4, 1954.

(i) Copy of correspondence dated August 22, 1952, from Stanolind Oil & Gas Company relative to annual rental payments on State Leases including State Lease No. 783.

(j) Copy of rental payment vouchers.

(k) Copy of instrument consenting to the payment of certain rents, royalties, etc., dated August 4, 1953, resolution of same date authorizing execution of said instrument and instrument dated June 5, 1950, relative to State Lease No. 783.

(l) Copy of list of Oil and Gas Mineral Leases dated August 6, 1953, relative to State Lease No. 783.

LA. EXHIBIT UUU-2
(La. Item 83)

(a) State Lease No. 785, dated September 12, 1946.

(b) Copy of plat

(c) Copy of application from the Superior Oil Company dated July 19, 1946, along with plat mentioned in said application relative to State Lease No. 785.

(d) Copy of bid from Stanolind Oil & Gas Company dated August 10, 1946, relative to State Lease No. 785.

(e) Copy of rental payment voucher from Stanolind Oil & Gas Company for the 12-month period beginning September 12, 1947.

(f) Copy of rental payment voucher from Stanolind Oil & Gas Company for the 12-month period beginning September 12, 1948.

(g) Copy of release of Oil and Gas Lease No. 785 dated April 25, 1950.

LA. EXHIBIT UUU-3
(La. Item 84)

(a) State Lease No. 3838, dated April 23, 1962.

(b) Copy of plat of Tract 8104, West Cameron Area, Gulf of Mexico.

(c) Copy of bid dated April 9, 1962, by Ocean Drilling & Exploration Co. submitted on Tract 8104.

(d) Copy of release of State Lease 3838, Tract 8104, dated May 13, 1963.

(e) Copy of letter dated June 7, 1963, from Ocean Drilling & Exploration Co., relating to Lease No. 3838.

LA. EXHIBIT UUU-4
(La. Item 85)

(a) State Lease No. 4290, dated February 24, 1964.

(b) Copy of plat

(c) Bid submitted by the California Co., dated February 20, 1964.

(d) Annual Rental payments for years 1965, 1966 and 1967.

(e) Letter agreement covering Interim Plan of Production West Cameron Block 49, from Chevron Oil Company, dated February 10, 1947.

(f) Document of cancellation dated March 4, 1968, from Chevron Oil Company.

LA. EXHIBIT UUU-5
(La. Item 86)

(a) State Lease No. 4291, dated February 24, 1964.

(b) Copy of plat.

(c) Copy of portion of plat of West Cameron area showing, among others, Tract No. 9078.

(d) Copy of oil division order covering State Lease No. 4291, first run, approved September 15, 1964.

(e) Copy of bid dated February 20, 1964, submitted by the California Company.

(f) Copy of documents relative to Lieu Royalty payments made in 1965 by the California Company pertaining to State Lease No. 4291.

(g) Copy of documents relative to Lieu Royalty payments made in 1965 by Chevron Oil Company pertaining to State Lease No. 4291.

(h) Copy of documents relative to payments pertaining to the State Lease No. 4291 along with correspondence referring to same.

(i) Copy of documents relative to Lieu Royalty payments by Chevron Oil Company 1966-1967, pertaining to State Lease No. 4291.

(j) Copy of documents relative to Lieu Royalty payments made by Chevron Oil Company 1966-1967, pertaining to State Lease No. 4291.

(k) Copy of resolution relative to the development of State Lease No. 4291 adopted at a meeting of the State Mineral Board October 8, 1969.

(l) Copy of resolution relative to State Lease No. 4291 adopted at a meeting of the State Mineral Board January 14, 1970.

(m) Copy of partial release pertaining to State Lease No. 4291, approved January 14, 1970.

LA. EXHIBIT VVV
(La. Item 33)

List of Texas Map Exhibits showing Extension of Boundary Gulfward through Center of Jetties.

LA. EXHIBIT WWW (1-10)
(La. Item 32, 34-42)

1. Affidavit of Captain Bernett W. Jardell of the Enforcement Division of the Louisiana Wild Life and Fisheries Commission.
2. Affidavit of Lieutenant Arnold Rutherford of the Enforcement Division of the Louisiana Wild Life and Fisheries Commission.
3. Affidavit of Norman Cheramie of Cameron, Louisiana.
4. Affidavit of Rene Terrebonne, of Cameron, Louisiana.

5. Affidavit of Patrick Cheramie of Cameron, Louisiana. Mr. Cheramie to testify on May 20, 1974.
6. Affidavit of Joseph A. Racca, of Cameron, Louisiana.
7. Affidavit of Henry Woodgett of Cameron, Louisiana.
8. Affidavit of George Bossley, of Sabine Pass, Texas.
9. Affidavit of Albert Bossley, of Sabine Pass, Texas.
10. Affidavit of Adair LeBeouf of Sabine Pass, Texas.

LA. EXHIBIT XXX
(La. Item 102(c))

Letter of J. Arthur Sandlin, Assistant Attorney General of Texas, dated October 16, 1970, addressed to Emmett C. Sole.

LA. EXHIBIT YYY (1-9)
(La. Items 22-30)

1. Surface lease from H. D. Cox to H. Prejean, dated November 1, 1949, filed for record on August 2, 1950, bearing File No. 59134 and recorded in Conveyance Book 79 at Page 180, Cameron Parish, Louisiana.
2. Oil, gas and mineral lease from William Lausen Cox, Hubert Davis Cox, Jr., Em-Marie Cox Jackson, wife of Robert W. Jackson, Carroll Adrian Tracy and Pearl Tracy Caperton, wife of Wallace Caperton to John W. Mecom, dated December 5, 1957, recorded December 28, 1957, bearing File No. 79493 and recorded in Conveyance Book 127 at Page 473, records of Cameron Parish, Louisiana.
3. Oil, gas and mineral lease from Sunny Pavell and Edward M. Carmouche to E. W. Brown, III, dated October 9, 1959, recorded January 9, 1960, bearing File No. 86918 and recorded in Conveyance Book 150 at Page 563, records of Cameron Parish, Louisiana.
4. Oil, gas and mineral lease from W. E. McCorquodale and J. H. Spector & Sons, to E. W. Brown, III, dated October 9, 1959, recorded January 9, 1960, bearing File No. 86919 and recorded in Conveyance Book No. 150 at Page 568, records of Cameron Parish, Louisiana.
5. Assignment of oil, gas and mineral lease from E. W. Brown, III to John W. Mecom, dated December 17,

1959, recorded June 28, 1960, bearing File No. 88712, and recorded in Conveyance Book 157 at Page 357, records of Cameron Parish, Louisiana.

6. Assignment of leases from John W. Mecom to U. S. Oil of La., Inc., dated June 1, 1960, recorded June 26, 1960, bearing File No. 88690, and recorded in Conveyance Book 157 at Page 303, records of Cameron Parish, Louisiana.
7. Oil, gas and mineral lease from Alvin V. Keown and Tom H. Lowe to Maxwell C. Huffman dated May 19, 1960, recorded June 28, 1960, bearing File No. 88714 and recorded in Conveyance Book 157 at Page 359, records of Cameron Parish, Louisiana.
8. Assignment of oil, gas and mineral lease from Maxwell C. Huffman to John W. Mecon, dated May 19, 1960, recorded June 28, 1960, bearing File No. 88715, and recorded in Conveyance Book 157 at Page 362, Cameron Parish, Louisiana.
9. Assignment of oil, gas and mineral lease from John W. Mecom to U. S. Oil of Louisiana, Inc. dated October 6, 1960, recorded October 14, 1960, bearing File No. 89753 and recorded in Conveyance Book No. 161 at Page 477, records of Cameron Parish, Louisiana.

LA. EXHIBIT ZZZ (1-2)

Letter to Hatley Harrison transmitting sketch of Sabine Lake (1840)

LA. EXHIBIT AAAA

Chapter 287, Acts of the 50th Legislature, 1947.

LA. EXHIBIT BBBB (Beaumont Enterprise 6/17/72)

LA. EXHIBIT CCCC (1-17)

Texas Offshore Mineral Leases

CCCC-1 No. M-45891 Dec. 9, 1955

Grantee: The Texas Co. P.O. Box 2332, Houston, Texas.

Description: Tract 2-S, Gulf of Mex. Jefferson County containing 810 acres, as shown by the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-2 No. M-54678 Oct. 2, 1962

Grantee: N. E. Nutter, P. O. Box 798, Houston, Texas.

Description: 2(S), Gulf of Mexico, Jefferson County, Texas

containing 1070 acres, as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-3 No. M-54681 Oct. 2, 1962

Grantee: Standard Oil Company of Texas, P.O. Box 1249, Houston, Texas.

Description: Tract 28(S), Gulf of Mexico, Jefferson County Texas, containing 640 acres, as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-4 No. M-55973 Nov. 5, 1963

Grantee: Standard Oil Co. of Texas, P.O. Box 1249, Houston, Texas.

Description: W/2 tract 29S, Gulf of Mexico, Jefferson County, containing 320 acres, as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-5 No. M-55974 Nov. 5, 1964

Grantee: Standard Oil Co. of Texas, P.O. Box 1249, Houston, Texas.

Description: W/2 Section 32S, Gulf of Mexico, Jefferson County, containing 320 acres, as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-6 No. M-55313 May 7, 1964

Grantee: Standard Oil Co. of Texas, P.O. Box 1249, Houston, Texas.

Description: Tract 33-S, Gulf of Mexico, Jefferson County, containing 640 acres, as shown on the Official Map of the Gulf of Mexico now on file in the General Land Office.

CCCC-7 No. M-54674 Oct. 2, 1962

Grantee: Standard Oil Co. of Texas, P.O. Box 1249, Houston, Texas.

Description: NW/4 of Tract 2(L), Gulf of Mexico, Jefferson County, Texas, containing 1440 acres, as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-8 No. M-54675 Oct. 2, 1962

Grantee: Standard Oil Co. of Texas, P.O. Box 1249, Houston, Texas.

Description: SW/4 of Tract 2(L), Gulf of Mexico, Jefferson County, Texas, containing 1440 acres, as shown on the offi-

cial map of the Gulf of Mexico now on file in the General Land Office.

CCCC-9 No. M-59194 February 1, 1966

Grantee: Texaco, Inc. Box 430, Bellaire, Texas 77402.

Description: SE/4 of Tract 13L, Gulf of Mexico, Jefferson County, containing 1440 acres, as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-10 No. M-58091 June 1, 1965

Grantee: Continental Oil Co., The Atlantic Refining Co., Tidewater Oil Co., and Cities Service Oil Co., P.O. Box 2197, Houston, Texas 77001.

Description: SW/4 of Tract 13L, Gulf of Mexico, Jefferson County, containing 1440 acres, as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-11 No. M-58092 June 1, 1965

Grantee: Texaco, Inc., P.O. Box 430, Bellaire, Texas 77402

Description: SW/4 of Tract 13L, Gulf of Mexico, Jefferson County, containing 1440 acres, as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-12 No. M-58093 June 1, 1965

Grantee: The Superior Oil Company, P.O. Box 1521, Houston, Texas 77001.

Description: All of the SW/4 West of a line having a bearing of S 11° 30′ 00″ E (True) said line passing through a point having a Lambert Coordinate Value of X = 3,638,911.17 and Y = 710,343.69 of Tract 14L, Gulf of Mexico, Jefferson County, containing 380+ acres, as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-13 No. M-58094 June 1, 1965

Grantee: Superior Oil Company, P.O. Box 1521, Houston, Texas 77001.

Description: All of the NW/4 North of the 3 marine league line and West of a line having a bearing of S 11° 30′ 00″ E (True), said line passing through a point having a Lambert Coordinate Value of X = 3,638,911.17 and Y = 710,343.69 of Tract 17L, Gulf of Mexico, Jefferson County, containing

190+ acres, as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-14 No. M-58095 June 1, 1965

Grantee: Texaco, Inc., P.O. Box 430, Bellaire, Texas 77402.

Description: All of Tract 18L North of the 3 Marine league line, Gulf of Mexico, Jefferson County, containing 1,910+ acres as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

CCCC-15 No. M-55972 Nov. 5, 1963

Grantee: Standard Oil Co. of Texas, Box 1249, Houston, Texas.

Description: W/2 of E/2 of Tract 2L, Gulf of Mexico, containing 1440 acres, Jefferson County, as shown on the official map of the Gulf of Mexico now on file in the General Land Office.

Special Master's Exhibit

Special Master's Exhibit A, attached to Report, Appendix A, showing the proposed boundary lines as set forth by the parties.